

Laws, Resolutions and Memorials

OF THE

STATE OF MONTANA

PASSED BY THE

**Thirty-third Legislative Assembly
In Regular Session**

**Held at Helena, the Seat of Government of Said State,
Commencing January 5, 1953, and
Ending March 5, 1953.**

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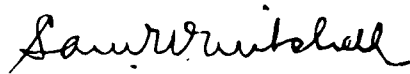
CERTIFICATE OF AUTHENTICATION

State of Montana }
Department of } ss.
Secretary of State }

I, Sam W. Mitchell, Secretary of State of the State of Montana, do hereby certify that by virtue of the authority vested in me by law, I have prepared for publication and caused to be printed a copy of all laws, memorials, resolutions and appropriation measures passed by the Thirty-third Legislative Assembly of the State of Montana, at the Thirty-third Session commencing January 5, 1953 and concluding March 5, 1953; that I have caused to be compared the said printed laws, memorials, resolutions and appropriation measures with the original manuscript thereof now on file in my office, and that the following are true, full and correct copies thereof.

IN WITNESS WHEREOF, I have hereunto set
my hand and affixed the Great Seal of the
State of Montana, at Helena, the Seat of Gov-
ernment, this first day of June, A. D. 1953.

THE GREAT SEAL
of the
State of Montana.



Secretary of State.

OFFICERS AND MEMBERS

OF THE

Thirty-third Legislative Assembly of the State of Montana

1953

J. HUGO ARONSON, GOVERNOR
 Geo. M. Gosman, Lieutenant Governor and President of the Senate
 Dean Chaffin, Speaker of the House
 Donovan Worden, President Pro Tem of the Senate
 O. P. Balgord, President Pro Tem (Ad Interim)

Members of Senate

NAME	Residence	County	Politics
†Alley, John C.	Whitehall	Jefferson	Republican
*Anderson, Dr. Evon L.	Fort Benton	Chouteau	Republican
Anderson, LeRoy H.	Conrad	Pondera	Democrat
Angstman, Jess L.	Havre	Hill	Democrat
Balgord, O. P.	Lavina	Golden Valley	Republican
*Bovey, Charles A.	Great Falls	Cascade	Democrat
Brenner, J. S.	Grant	Beaverhead	Republican
Brewer, Clyde	Roundup	Musselshell	Republican
*Bristow, W. F.	Townsend	Broadwater	Democrat
*Busch, L. W.	Baker	Fallon	Republican
*Cole, Kenneth	Winnett	Petroleum	Republican
*Cotton, Robert S.	Glasgow	Valley	Democrat
*Dahl, Andrew	Dagmar	Sheridan	Democrat
Dokken, H. H.	Bozeman	Gallatin	Republican
Donahoe, Walter A.	Wh. Sul. Springs	Meagher	Republican
*Ettien, Chan	Philipsburg	Granite	Democrat
*Evans, Troy	Butte	Silver Bow	Republican
*Gardner, C. E.	Boyes	Carter	Republican
Grandey, Charles W.	Terry	Prairie	Republican
*Harken, R. C.	Forsyth	Rosebud	Democrat
Hatch, Charles M.	Miles City	Custer	Republican
*Hibbs, Rex	Billings	Yellowstone	Republican
Hofland, J. M.	Circle	McCone	Democrat
James, David F.	Joplin	Liberty	Democrat
*Keller, Webster	Fishtail	Stillwater	Democrat
Larson, Glenn H.	Thompson Falls	Sanders	Republican
*Lott, M. J.	Twin Bridges	Madison	Republican
Lindquist, Carl	Scobey	Daniels	Republican
McCabe, George N.	Cut Bank	Glacier	Democrat
McDonnell, A. Ronald	Big Timber	Sweetgrass	Republican
*McKenna, George S.	Geyser	Judith Basin	Democrat
*McQuitty, E. F.	Harlowton	Wheatland	Democrat
Mackay, William R.	Roscoe	Carbon	Republican
Mahoney, Charles H.	Jordan	Garfield	Republican
Manning, D. M.	Hysham	Treasure	Democrat
†Moritz, Earl	Lewistown	Fergus	Republican
*Moss, G. M.	Whitefish	Flathead	Republican
*Nesvig, Oscar	Wibaux	Wibaux	Democrat
*Nutter, Donald	Sidney	Richland	Republican
Padbury, Fred H.	Helena	Lewis & Clark	Republican
*Rice, Paul	Bynum	Teton	Democrat
Robins, R. L.	Glendive	Dawson	Republican
Robinson, Fred L.	Malta	Phillips	Republican
Ross, Thomas A.	Chinook	Blaine	Republican
Scofield, Charles L.	Broadus	Powder River	Republican
Spear, W. B.	Kirby	Big Horn	Republican
Taylor, B. R.	Wolf Point	Roosevelt	Republican
*Tibbals, H. A.	Saltese	Mineral	Democrat
Valton, Don F.	Deer Lodge	Fowell	Republican
Wallace, Lloyd I.	Polson	Lake	Republican
Wenger, Edward A.	Anaconda	Deer Lodge	Democrat
*Weydemeyer, Winton	Fortine	Lincoln	Republican
*Wilson, George W.	Shelby	Toole	Democrat
*Winters, W. J.	Stevensville	Ravalli	Republican
*Worden, Donovan	Missoula	Missoula	Republican
Working, Paul	Wilsall	Park	Republican

† Succeeding Philip C. Duncan, resigned.

* Holdover.

‡ Appointed to succeed E. R. Roehl, deceased.

House of Representatives

NAME	Residence	County	Politics
Anderson, George D.	Great Falls	Cascade	Democrat
Armstrong, Ory J.	Kalispell	Flathead	Republican
Arnold, Adeline (Mrs. Jack)	Birney	Rosebud	Republican
Atkinson, A. L. (Roy)	Ronan	Lake	Republican
Babcock, Tim M.	Miles City	Custer	Republican
Barnard, Lloyd	Saco	Valley	Democrat
Barnett, Fred	Chester	Liberty	Democrat
Beck, Martin J.	Wolf Point	McCone	Democrat
Bricker, Ralph C.	Great Falls	Cascade	Republican
Broeder, Fred O.	Creston	Flathead	Republican
Brownfield, Ben	Hammond	Carter	Republican
Cavanaugh, John	Butte	Silver Bow	Democrat
Cerovski, Charles	Lewistown	Fergus	Democrat
Chaffin, Dean	Bozeman	Gallatin	Republican
Cloves, Homer J.	Glasgow	Valley	Democrat
Corcoran, Dan H.	Ryegate	Golden Valley	Republican
Crist, Charles L.	Billings	Yellowstone	Republican
Dempsey, Mervin	Butte	Silver Bow	Democrat
Durkee, Robert A.	Havre	Hill	Democrat
Dwyer, Robert G.	Butte	Silver Bow	Democrat
Emmons, John	Anaconda	Deer Lodge	Democrat
Fry, J. W. (Joe)	Laurel	Yellowstone	Republican
Fulton, Frank F.	Plevna	Fallon	Republican
Gebhardt, R. H.	Billings	Yellowstone	Republican
Gershmel, M. N.	Winnett	Petroleum	Democrat
Gleed, George E.	Dillon	Beaverhead	Republican
Goffena, L. W.	Roundup	Musselshell	Republican
Goodgame, Allen	Troy	Lincoln	Democrat
Goodwin, Lester	Townsend	Broadwater	Democrat
Graybill, Leo C.	Great Falls	Cascade	Democrat
Gunderson, Ole S.	Power	Cascade	Democrat
Haines, Clifford E.	Creston	Flathead	Republican
Haines, H. H.	Terry	Prairie	Republican
Haines, Tom	Missoula	Missoula	Republican
Hancock, J. Homer	Billings	Yellowstone	Republican
Hansen, C. O. (Kelly)	Billings	Yellowstone	Republican
Hanson, Roy A.	Miles City	Custer	Republican
Hawks, Clyde L.	St. Xavier	Big Horn	Republican
Hess, H. H.	Havre	Hill	Democrat
Higgins, David M.	Blackfoot	Glacier	Republican
Hilger, R. J.	Glendive	Dawson	Republican
Hughes, Gerald H.	Stanford	Judith Basin	Republican
Iten, Joseph	Hamilton	Ravalli	Republican
Johnson, Erick V.	Philipsburg	Granite	Republican
Johnson, Rudy	Butte	Silver Bow	Democrat
Juedeman, R. F.	Sunburst	Toole	Republican
Leuthold, John H.	Molt	Stillwater	Republican
Loughran, Mike	Butte	Silver Bow	Democrat
MacDonald, John J.	Jordan	Garfield	Democrat
McAndrews, Wayne	Anaconda	Deer Lodge	Democrat
McDonnell, John	Superior	Mineral	Republican
McElwain, Joseph A.	Deer Lodge	Powell	Republican
Mahoney, Eugene H.	Thompson Falls	Sanders	Democrat
Marsenich, Robert	Butte	Silver Bow	Democrat
Michels, Lloyd J.	Medicine Lake	Sheridan	Democrat
Nixon, Richard	Hogeland	Blaine	Democrat
Norby, Fritz	Great Falls	Cascade	Republican
Nybo, C. N.	Missoula	Missoula	Republican
O'Connor, George W.	Fromberg	Carbon	Republican
Omholt, E. V.	Dutton	Teton	Republican
Parker, Clem	Wibaux	Wibaux	Democrat
Peters, Carl B.	Billings	Yellowstone	Republican
Pfohl, Scott A.	Livingston	Park	Republican
Phillips, R. J.	Lewistown	Fergus	Republican
Pierce, Geo. R.	Billings	Yellowstone	Republican
Powell, Lisle D.	Biddle	Powder River	Republican
Purdy, R. P. (Bud)	Bozeman	Gallatin	Republican
Reed, Mrs. Dallas J. (Bess)	Missoula	Missoula	Republican
Regan, Leonard D.	Great Falls	Cascade	Democrat
Rieder, Arnold	Boulder	Jefferson	Democrat
Rimel, Jack W.	Missoula	Missoula	Republican
Ringling, Paul	Wh. Sul. Springs	Meagher	Democrat
Sagunsky, Walter	Sheridan	Madison	Republican
Sales, Walter L.	Manhattan	Gallatin	Republican
Sax, Floyd L.	Sidney	Russland	Republican

HOUSE OF REPRESENTATIVES — (Continued)

NAME	Residence	County	Politics
Schiltz, John M.....	Billings.....	Yellowstone.....	Republican
Seifert, J. P.....	Conrad.....	Pondera.....	Republican
Sippel, O. A.....	Big Timber.....	Sweetgrass.....	Republican
Smith, J. Miller.....	Helena.....	Lewis & Clark.....	Republican
Steel, Ernest C.....	Great Falls.....	Cascade.....	Republican
Sykes, Robert C. (Bob).....	Kalispell.....	Flathead.....	Republican
Tange, Chris S.....	Poplar.....	Roosevelt.....	Republican
Taylor, Neil.....	Scobey.....	Daniels.....	Republican
Tobin, Thomas E.....	Butte.....	Silver Bow.....	Democrat
Tobin, Thomas D.....	Helena.....	Lewis & Clark.....	Republican
Toole, John H.....	Missoula.....	Missoula.....	Republican
Totten, W. R.....	East Helena.....	Lewis & Clark.....	Republican
VanDyke, William.....	Harlowton.....	Wheatland.....	Democrat
Walton, Clarence.....	Wilsall.....	Park.....	Republican
Watkins, A. J.....	Chapman.....	Phillips.....	Republican
Wetzsteon, Fred.....	Sula.....	Ravalli.....	Republican
Wiedman, R. H.....	Folsom.....	Lake.....	Republican
Wilson, Archie.....	Hysham.....	Treasure.....	Republican
Wood, James, Jr.....	Loma.....	Chouteau.....	Democrat

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SESSION LAWS

CHAPTER 1

An Act to Fix the Compensation of Officers and Employees of the Thirty-third Legislative Assembly of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Whereas existing wage scales in effect at this time present an emergency requiring that the compensation of officers and employees of the thirty-third legislative assembly shall be paid at a higher rate than that heretofore required, or which in all probability will be hereafter required, and notwithstanding the general law fixing the compensation of officers and employees of the legislative assemblies, and expressly without amending any such law or laws except to the extent that they shall not apply to the compensation of officers and employees of the thirty-third legislative assembly;

Increase
compensation,
legislative
officers and
employees.

Emergency
declared.

Compensation shall be paid to the officers and employees of the thirty-third legislative assembly as follows:

The secretary of the senate, the chief clerk of the house of representatives, the sergeant-at-arms of each house, the senate law clerk and house of representatives law clerk, ten dollars (\$10.00) per day each;

The assistant secretary of the senate, the assistant chief clerk of the house of representatives; the journal clerk, the enrolling clerk, the engrossing clerk, the bill clerk, the chief printing clerk of each house; the assistant sergeant-at-arms of the senate, the assistant sergeants-at-arms of the house of representatives; the assistant senate law clerk and the assistant house of representatives law clerk (in case such assistants are employed), the secretary to the judiciary committee, the secretary to the finance and claims committee of the senate, the secretary to the judiciary committee, the secretary to the appropriations committee of the house, the clerk to the chief clerk of the house, the sten-

ographer to the secretary of the senate, the chief stenographer of the senate, the secretary to the speaker of the house of representatives, the secretary to the president of the senate, and the secretaries to the majority floor leaders of both houses, nine dollars (\$9.00) per day each.

The assistant journal clerk, the assistant bill clerk, the assistant enrolling clerk, the assistant engrossing clerk, the assistant printing clerk, the reading clerk, the secretary to the sergeant-at-arms of each house; two chief proof readers, and the mailing clerk of the senate; the payroll clerk of the house of representatives, the supply clerk of the house of representatives, stenographers, and the mailing clerk and filing clerk of the house of representatives, eight dollars (\$8.00) per day each.

The chaplain, other committee clerks, typists, other proof readers, door-keepers, assistant door-keepers, janitors, assistant janitors and watchmen of each house, the telephone operators, elevator operators of the house of representatives, seven dollars (\$7.00) per day each.

Pages, five dollars (\$5.00) per day each.

And all other employees of the legislative assembly not herein specifically enumerated, seven dollars (\$7.00) per day each.

Each salary herein specified shall be paid for each and every day of the entire legislative session, commencing with the date of employment of the officer or employee, save and except that any officers or employees whose services are dispensed with for any portion of the session shall receive pay only for the number of days during which services are performed by such officer or employee.

Increased for
33rd assembly
only.

Section 2. The salaries herein specified to be paid to officers and employees shall be effective for and shall be paid only to such officers and employees of the thirty-third legislative assembly of the State of Montana and shall not be effective for, nor payable to the officers and employees of any subsequent legislative assembly.

Effective
immediately.

Section 3. This act shall take effect and be in full force from and after its passage and approval.

Approved January 9, 1953.

CHAPTER 2

An Act Validating, Ratifying, Approving and Confirming Bonds and Other Instruments or Obligations, Heretofore Issued by Public Bodies of This State, and All Proceedings Heretofore Taken by Such Public Bodies, to Authorize and Issue Such Bonds, Instruments and Other Obligations, However Described, and Providing That This Act May Be Cited as "The 1953 Bond Validating Act."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. This act may be cited as "The 1953 Bond Validating Act." **How cited.**

Section 2. The following terms, wherever used or referred to in this act, shall have the following meanings: **Defining terms.**

(1) The term "public body" shall include a county, city, town, school district, irrigation district, drainage district, special improvement district, or any other political or governmental subdivision of the State of Montana, and shall also include the state board of education, the state board of examiners, the state water conservation board, the state highway commission, or any other governmental agency of this state.

(2) The term "bonds" shall include bonds, notes, warrants, debentures, certificates of indebtedness, temporary bonds, temporary notes, interim receipts, interim certificates and all instruments or obligations evidencing or representing indebtedness, or evidencing or representing the borrowing of money, or evidencing or representing a charge, lien or encumbrance on specific revenues, income or property of a public body, including all instruments or obligations payable from a special fund.

Section 3. All bonds heretofore issued for any of the purposes for which bonds may be issued by any public body of this state and all proceedings heretofore taken for the authorization and issuance of bonds by such public body, and the sale, exchange, execution and delivery thereof, are hereby validated, ratified, approved and confirmed, notwithstanding any lack of power (other than constitutional) of such public body, or the governing board or commission or officers thereof, to authorize and issue such **Bonds and proceedings ratified.**

bonds, or to sell, exchange, execute or deliver the same, and notwithstanding any defects or irregularities (other than constitutional) in such proceedings or in such sale, exchange, execution or delivery, and bonds of such public bodies, whether heretofore issued or hereafter issued under the authority of proceedings heretofore taken, are and shall be binding, legal, valid and enforceable obligations of such public body.

Repealing
clause.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Effective
immediately

Section 5. This act shall be in full force and effect from and after its passage and approval.

Approved January 21, 1953.

CHAPTER 3

An Act to Repeal Section 26-311 of the Revised Codes of Montana of 1947, Relating to the Open Season for Elk in Park County and Authority of Fish and Game Commission to Shorten the Season.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 26-311
R. C. M. '47
repealed.

Section 1. Section 26-311 of the Revised Codes of Montana, 1947, is hereby repealed.

Effective
immediately.

Section 2. This act shall be in full force and effect from and after its passage and approval.

Approved January 28, 1953.

CHAPTER 4

An Act to Repeal Sections 48-106, 48-107, 48-108, 48-109 and 48-110 of the Revised Codes of Montana, 1947, Relating to Miscegenous Marriages Within the State of Montana and By Residents of the State of Montana and to the Effects of Such Marriages and Providing Penalties for the Solemnization of Such Marriages.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Sections 48-106, 48-107, 48-108, 48-109, and 48-110, Revised Codes of Montana, 1947, be, and the same are hereby repealed.

R. C. M., '47
sections
repealed.

Section 2. This act shall be in full force and effect from and after the date of its passage and approval.

Effective
immediately

Approved February 2, 1953.

CHAPTER 5

An Act to Amend Section 50-301 (3442) of the Revised Codes of Montana of 1947, Relating to Time for Settlement for Ores Purchased By Smelters, Etc.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 50-301 (3442) of the Revised Codes of Montana of 1947 be, and the same is hereby amended to read as follows:

“Section 50-301. (3442) **Time for settlement for ores purchased by smelters, etc.** Every person, association, company, or corporation, engaged within this state in purchasing ores, minerals, or metals from, or in smelting, milling, or otherwise reducing or preparing the same for market for any other person, or persons, association, company, or corporation, shall, within twenty days after any such ores, minerals, or metals shall have arrived at his, their, or its smelter, mill, reduction works, yards, or other place for receiving such ores, minerals, or metals, make full settlement with and payment of the amount due to the consignor, or consignors thereof, unless restrained or prevented from making such settlement and payment by an order, writ, or process of a court of competent jurisdiction. Every such person, association, company, or corporation, to whom or to which any such ores, minerals, or metals have heretofore been shipped and delivered, and for which settlement and payments have not been made or had, shall, within twenty days after this act takes effect, make full settlements and payments therefore to, and with the consignor or consignors thereof, unless restrained or prevented from making such settlement and payment by an order, writ, or process of a court of competent jurisdiction. *However, the provisions of this section shall not be applicable*

Settlement for
ores purchased,
time within
which made.

Proviso.

Settlement
for ores
heretofore
shipped and
delivered.

Act not applic-
able where
existing con-
tract applies

to any such ores, minerals or metals received pursuant to an existing written contract at time of shipment between the consignor, or consignors thereof, and the person, association, company, or corporation, receiving the same, where the time for settlement and payment is provided for in such contract."

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 2, 1953.

CHAPTER 6

An Act to Amend Section 23-911 and Section 23-913, of the Revised Codes of Montana, 1947, Relating to Form of Petition for Nomination and Register of Candidates.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 23-911 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

"23-911. **Form of Petition for Nomination.** The petition for nomination required by the preceding section shall be substantially in the following form:

Form of
petition for
nomination.

To (name and title of officer with whom petition is to be filed) and to the members of the party and the electors of the (state or counties of comprising the district or county or city, as the case may be) in the State of Montana;

I reside at and my post office address is I am a candidate of the party for the nomination for the office of at the primary nominating election to be held in the (State of Montana or district, or county or city) on the day of, 19....., and if I am nominated as the candidate of the party for such office I will accept the nomination and will

not withdraw, and if I am elected I will qualify as such officer.

“If I am nominated and elected I will, during my term of office (here the candidate, in not exceeding one hundred words, may state any measure or principles he especially advocates).

Signature of Candidate for Nomination.

“Every such petition shall be signed as above by the elector seeking such nomination.”

Section 2. That Section 23-913 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending
clause.

“23-913. **Register of Candidates.** The secretary of state, county clerk and city clerk shall keep a book entitled ‘Register of Candidates for Nomination at the Primary Nominating Election,’ and shall enter thereon on different pages of the book for different political parties subject to the provisions of this law, the title of the office sought and the name and residence of each candidate for nomination at the primary election; the name of his political party; the date of receiving the petition for nomination signed by the candidate; and such other information as may aid him in arranging his official ballot for said primary nominating election. Immediately after the canvass of votes cast at a primary nominating election is completed, the county clerk, secretary of state or city clerk, as the case may be, shall enter in his book marked ‘Register of Nominations,’ the date of such entry, the name of each candidate nominated, the office for which he is nominated, and the name of the party making the nomination.”

Register of
candidates

Register of
nominations.

Approved February 2, 1953.

CHAPTER 7

An Act to Provide for the Issue and Sale By the State Board of Examiners of Bonds for the Purpose of Repairing the State Capitol Building; Designating the Funds From Which Said Bonds Shall Be Paid; Providing for a State Capitol Building Repair, Interest and Sinking Fund; Enumerating the Powers and Duties of

the State Board of Examiners in Carrying Out the Provisions of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

State board of
examiners to
issue and sell
bonds.

Section 1. The state board of examiners of the State of Montana is hereby authorized to issue and sell bonds for the purpose of repairing the state capitol building at Helena, Montana.

Examiners to
repair capitol
building.

Section 2. Upon the sale of the bonds, the state board of examiners is hereby empowered and directed to employ an architect and/or engineer to complete plans; and to proceed with the repair of the state capitol building without delay, as soon as proceeds from the bonds are available.

Call for bids
and let
contracts.

Section 3. The state board of examiners shall call for bids for the repair of said building and let contracts for the same, all in accordance with the laws of the State of Montana. Said board shall require the contractors to give bonds to the State of Montana in the amount of one hundred percent (100%) of the contract price, conditioned for the faithful performance of their duties and contracts.

Amount
of bonds.

Section 4. The aggregate amount of bonds authorized by this act for the purposes herein expressed, shall not exceed the sum of three hundred thousand dollars (\$300,000.00).

Section 5. Bonds issued and sold by the state board of examiners under authority of this act shall bear interest at a rate not exceeding four percent (4%) per annum, payable semiannually. They shall be either amortization or serial bonds, shall bear such date as the state board of examiners shall prescribe, and shall be payable over such period of years, not exceeding twenty (20), as said board may specify. All bonds shall be optional and redeemable at any time after the date of issue, at the option of the state board of examiners. Said bonds shall be in such denominations and sums and shall contain such recitals as the state board of examiners may determine, shall be signed by the governor, the attorney general, and the secretary of state as members of said board, and shall be paid at the office of the state treasurer of the State of Montana. The coupons attached to said bonds may bear the facsimile signature of the members of said board.

Section 6. Said bonds shall be sold by the state board of examiners at such time and in such manner as the board shall deem best to carry out the provisions of this act; provided that none of such bonds shall be sold for less than par, plus accrued interest to the date of delivery of the bonds. Each of said bonds shall be registered before delivery with the state treasurer of the State of Montana, who shall keep accurate accounts of payments of interest and principal upon said bonds.

Mode of sale.

Section 7. The principal and interest of the bonds authorized by this act shall be payable out of the following fund and from it only: All the income received from the capitol building land grant, subject only to the prior dedication and appropriation of monies therefrom for the payment of principal and interest of bonds that are or may be issued pursuant to Chapter 258 of the Laws of the Thirtieth Legislative Assembly, 1947, shall be, and the same is hereby perpetually dedicated and appropriated for the payment of the principal and interest of the bonds provided for by this act. Any and all balances or sums now in said capitol building land grant fund or that may accrue to and become a part of said fund prior to the time of the sale of the bonds provided for herein, in excess of the amount heretofore dedicated and appropriated by said Chapter 258 of the laws of the thirtieth legislative assembly, 1947, shall likewise be, and the same are hereby pledged and appropriated for the payment of principal and interest of the bonds authorized by this act, and to cover and pay the cost of repairing of said building to the extent said balances or accruals to said fund may be sufficient to pay the same; provided said bonds shall be issued and sold by said board of examiners as herein provided, only for the total sum or amount necessary to be raised in excess of such total of all balances or sums now in, or that may be accrued to, said capitol building land grant fund, in order to make available for such repair of said building a total of three hundred thousand dollars (\$300,000.00).

Payable from
capitol building
land grant.

Section 8. To provide for the payment of the interest and principal of the bonds authorized by this act, there is hereby created a special fund to be known as the state capitol building repair interest and sinking fund, into which fund shall be paid all the sums of money hereinbefore dedicated and appropriated to the payment of the

Special fund
created.

principal and interest of said bonds and the repair of said building.

Budget act
disclaimed.

Section 9. The appropriation herein provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Severability.

Section 10. Every section of this act and every part of each section is hereby declared to be independent of each other, and the holding of any section or part hereof to be void or ineffective for any cause shall not be deemed to affect any other section or part hereof.

Effective
immediately.

Section 11. This act shall be in full force and effect from and after its passage and approval.

Approved February 6, 1953.

CHAPTER 8

An Act to Amend Section 23-932, Revised Codes of Montana, 1947, Relating to Candidates to Formulate State Platform.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 23-932 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Candidates to
formulate state
platform.

“23-932. **Candidates to Formulate State Platform.** The candidates for the various state offices, and for the United States senate, representatives in congress and the legislative assembly nominated by each political party at such primary, and senators of such political party, whose term of office extends beyond the first Monday in January of the year next ensuing, and the members of the state central committee of such political party, shall meet at the call of the chairman of the state central committee not later than September fifteenth next preceding any general election. They shall forthwith formulate the state platform of their party. They shall thereupon proceed to elect a chairman *and vice chairman, provided that either the chairman or vice chairman shall be a woman*, of the state central committee and perform such other business as may properly be brought before such meeting.”

State central
committee
meeting.

Chairman or
vice-chairman
to be a woman.

Approved February 6, 1953.

CHAPTER 9

An Act to Amend Section 93-1801-4 of Montana Revised Codes of 1947, Providing For the Taking of the Deposition of a Witness Out of the State, Upon Commission Issued From the Court, or a Judge Thereof, and Designating the Person or Officer to Whom Such Commission May Be Issued.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 93-1801-4 of the Montana Revised Codes of 1947, be, and the same is hereby amended to read as follows:

Amending
clause.

“93-1801-4. The deposition of a witness out of this state may be taken upon the commission issued from the court, under the seal of the court, upon an order of the court, or a judge thereof, on the application of either party, upon five days' previous notice to the other. If issued to any place within the United States, it may be directed to any person agreed upon by the parties, or if they do not agree, to any judge or justice of the peace, or commissioner, or *Notary Public*, selected by the court or judge issuing it. If issued to any country out of the United States, it may be directed to a minister, ambassador, consul, vice-consul, or consular agent of the United States in such country, or to any person agreed upon by the parties.”

Deposition of
out-of-state
witness may be
taken on
commission.

Adding notary
public.

Section 2. This act shall be in full force and effect from and after its passage and approval.

Effective
immediately.

Approved February 6, 1953.

CHAPTER 10

An Act to Amend Section 93-5011, Revised Codes of Montana, 1947, Relating to Challenges of Jurors For Cause, and Providing That a Debtor and Creditor Relationship Shall Not Be a Challenge For Cause in the Case of Current Bills of Gas, Water, Electricity or Telephone.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 93-5011, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending
clause.

Jurors
challenges
for cause.

“93-5011. (9344) **Challenges for Cause.** Challenges for cause may be taken on one or more of the following grounds:

“1. A want of any of the qualifications prescribed by this code to render a person competent as a juror;

“2. Consanguinity or affinity within the sixth degree to any party;

Proviso.

“3. Standing in the relation of guardian and ward, master and servant, debtor and creditor, employer and clerk, or principal and agent, to either party, or being a member of the family of either party, or a partner in business with either party, or surety on any bond or obligation for either party; *provided, however, that a challenge for cause may not be taken because of debtor and creditor relation when the same arises solely by reason of current bills of gas, water, electricity or telephone;*

“4. Having served as a juror or been a witness on a previous trial between the same parties for the same cause of action;

“5. Interest on the part of the juror in the event of the action, or in the main question involved in the action, except his interest as a member or citizen of a municipal corporation;

“6. Having an unqualified opinion or belief as to the merits of the action;

“7. The existence of a state of mind in the juror evincing enmity against or bias in favor of either party.”

Approved February 6, 1953.

CHAPTER 11

An Act to Amend Section 61-127 of the Revised Codes of the State of Montana, 1947, Relating to Who May Adopt and Who May Be Adopted, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 61-127 of the Revised Codes of the State of Montana, 1947, be amended to read as follows:

“61-127. Any minor child may be adopted by any adult person who is a citizen, or who, under the laws of the United States, may become a citizen of the United States, in the cases and subject to the rules prescribed in this chapter.”

Adoption of
minor child,
by whom.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing
clause.

Approved February 6, 1953.

CHAPTER 12

An Act to Repeal Section 94-35-102 and Section 94-35-103 of the Revised Codes of Montana, 1947, Relating to the Prohibition Against Indians Carrying Firearms While Off the Reservation.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 94-35-102 and Section 94-35-103 of the Revised Codes of Montana, 1947, be, and the same is hereby repealed.

R. C. M., '47,
Sec. 94-35-102,
Sec. 94-35-103,
repealed.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing
clause.

Approved February 6, 1953.

CHAPTER 13

An Act to Amend Section 52-313 of the Revised Codes of Montana, 1947, Relating to the Time For Holding Sales of Personal Property in Foreclosure Proceedings, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 52-313 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending
clause.

“52-313. (8287) **Sales — Commencement and Postponement.** All sales made under the provisions of this act shall be commenced between the hours of *nine o'clock in the*

Foreclosure
sales, com-
mencement and
postponement.

morning and five o'clock of the afternoon of the day specified in the notice, and within thirty days after the seizure of the property, unless the sale shall be postponed. Any sale may be postponed at the discretion of the sheriff one week, by public announcement at the time designated for the sale to take place when there are no bidders, or when the amount offered is grossly inadequate, or upon the request of the mortgagor."

Repealing
clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 6, 1953.

CHAPTER 14

An Act to Amend Sections 40-2103, 40-2107, 40-2108 and 40-2112, Revised Codes of Montana, 1947, Relating to Fraternal Benefit Societies, Defining Representative Form of Government and Prescribing Who May Be Beneficiaries, Qualifications For Membership, and Distribution and Use of Funds.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 40-2103, Revised Codes of Montana, 1947, be, and the same hereby is amended to read as follows:

Representative
form of
government
defined.

"40-2103. Representative Form of Government Defined.

A society shall be deemed to have a representative form of government when: (a) It *provides* in its constitution or laws for a supreme legislative or governing body, composed of representatives elected either by the members or by delegates elected directly or indirectly by the members, together with such other members *of such body* as may be prescribed by *such society's* constitution and laws;

(b) *The representatives elected* constitute a majority in number and have not less than two-thirds of the votes, nor less than the votes required to amend its constitution and laws;

(c) The meetings of the supreme *legislative* or governing body, and the election of officers, representatives, or delegates *are* held as often as once in four *calendar* years;

(d) The members, officers, representatives, or delegates shall not vote by proxy;

(e) *The officers may be elected by the board of directors."*

Providing that officers may be elected by board of directors.

Section 2. That Section 40-2107, Revised Codes of Montana, 1947, be, and the same hereby is amended to read as follows:

Amending clause.

"40-2107. **Beneficiaries.** *No beneficiary shall have or obtain any vested interest in the proceeds of any certificate until such certificate has become due and payable in conformity with the provisions of the membership contract. The insured member shall have the right at all times to change the beneficiary or beneficiaries in accordance with the constitution, bylaws, rules or regulations of the society. Every society may, by its constitution, bylaws, rules or regulations, limit the scope of beneficiaries."*

Beneficiaries.

Section 3. That Section 40-2108, Revised Codes of Montana, 1947, be, and the same hereby is amended to read as follows:

Amending clause.

"40-2108. **Qualifications for Membership.** Any society may admit to beneficial membership any person not less than *fifteen (15) years of age at nearest birthday* who has been examined by a legally qualified physician, and whose examination has been supervised in accordance with the laws of the society, *or who has made declaration of insurability acceptable to the society*; provided, that any beneficial member of a society who shall apply for additional benefits more than six (6) months after becoming a beneficial member shall pass an additional medical examination or make an additional declaration of insurability, as required by the society. Any person so admitted prior to attaining the full age of twenty-one (21) years shall be bound by the terms of his or her application and certificate, and by all the laws, rules and regulations of the society, and shall be entitled to all the rights and privileges of membership therein, as fully and to the same extent as though he or she were not a minor at the time of applying for such beneficial membership. Nothing herein contained shall prevent such society from accepting general or social members."

Qualifications for membership.

Amending
clause.

Section 4. That Section 40-2112, Revised Codes of Montana, 1947, be, and the same hereby is amended to read as follows:

Distribution
and use
of funds.

“40-2112. **Distribution and Use of Funds.** Every *society whose admitted assets are less than the sum of the required reserves and accrued liabilities shall, in every provision of its laws providing for payments by its members, in whatever form made, distinctly state the purpose of the same, and the proportion thereof which may be used for expenses, and no part of the money collected for mortuary or disability purposes by any such society, or the net accretions of either or any of said funds, shall be used for expenses.*”

Repealing
clause.

Section 5. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 13, 1953.

CHAPTER 15

An Act to Amend Section 93-305, Revised Codes of Montana, 1947, Relating to the Payment of Expenses of District Judges On Court Business in Places Other Than Their Place of Residence, and Providing That Such Expenses Shall Be Paid When Such District Judges Shall Be in Attendance At a Conference of Judges Called By the Chief Justice of the Supreme Court of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 93-305, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Actual expenses
paid when sit-
ting out of dis-
trict or attend-
ing judges con-
ference.

“93-305. (8816) **Expenses When Sitting Out of District, or Attending Judges' Conference.** Every judge who shall sit in the place of another judge in the trial or hearing of an action or proceeding in a district other than his own, or in the supreme court, *or who shall attend a conference of judges in Helena called by the chief justice of the supreme court,* shall be paid his actual expenses while engaged in that service as follows: His actual traveling

expenses in going from the county seat which he makes his place of residence to the place of trial, *or conference*, and return, and his board and lodging while engaged in the trial, hearing, *or conference*.”

Approved February 13, 1953.

CHAPTER 16

An Act Relating to Pleadings in Civil Actions, Authorizing the Adoption By Reference of Statements in a Pleading in Other Parts Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Statements in a pleading may be adopted by reference in a different part of the same pleading or in another pleading or in any motion. A copy of any written instrument which is an exhibit to a pleading is a part thereof for all purposes.

Pleadings, statements may be adopted by reference.

Exhibits part of pleading for all purposes.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved February 13, 1953.

CHAPTER 17

An Act to Authorize in Certain Instances the Boards of County Commissioners to Levy An Additional Tax of Not to Exceed Four (4) Mills For the County Poor Funds.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Whenever the boards of county commissioners of counties coming within the provisions of this act find that the total amount that may be derived from all other sources will be inadequate to provide the revenue necessary to meet the appropriations for expenditures to be set forth in the poor fund section of the county budget, such county commissioners shall have the power and the authority to levy not to exceed four (4) mills, or so much thereof as may be necessary to meet such expenditures, as an additional levy for the county poor fund after receiving a

Commissioners' power to make additional poor fund levy — conditions.

certificate authorizing them so to do, issued by the state board of equalization as in this act provided.

Procedure to
obtain approval
of additional
levy.

Section 2. On or before the second Monday in July, the boards of county commissioners of counties desiring to avail themselves of the provisions of this act shall submit a certified copy of their county poor fund budget to the state examiner and a like certified copy of such budget to the state department of public welfare. The state examiner shall examine such budget and if it is found by the state examiner that such budget is in compliance with the laws of this state and the rules and regulations of such examiner's office, he shall so certify and transmit such certified copy of the budget, together with his certificate there on, to the state board of equalization. The state department of public welfare shall examine such budget and if it finds the expenditures and revenues of the previous year are correct and the estimated expenditures and revenues for the current year are approximately correct, then such department shall transmit such copy, together with its certificate, to the state board of equalization.

State board of
equalization to
certify amount
of levy.

Section 3. The state board of equalization shall, on receipt of the certified copies of such county poor fund budget containing certificates as provided in Section 2 hereof, examine such documents if such board finds that a levy as authorized in Section 1, or any part thereof, in addition to all other poor fund revenues is necessary, the said board shall certify the amount of the levy to be made by the county commissioners of such county and transmit such certificate to such board of county commissioners who shall thereupon be authorized to make such levy as is authorized.

Effective date.

Section 4. This act shall be in full force and effect from the first day of July, 1953, to the thirtieth day of June, 1955, and not thereafter.

Repealing
clause.

Section 5. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 13, 1953.

CHAPTER 18

An Act to Amend Section 28-402 of the Revised Codes of

Montana, 1947, As Heretofore Amended By Chapter 83, Session Laws of 1949, By Eliminating Therefrom the Words "One Year" and in Substituting the Words "Eighteen Months."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That said Section 28-402 of the Revised Codes of Montana, 1947, as heretofore amended, be, and the same is hereby amended to read as follows:

Amending
clause.

"28-402. **Disposal of Slashings.** Every person, firm or corporation, hereinafter called the operator, who shall hereafter, for commercial purposes, cut any timber, logs, trees, posts, ties, poles, cordwood, pulpwood or any other forest product upon any lands within the State of Montana, shall remove any forest fire hazard to the property of others that may be created by the slashings, or other forest debris incident to such cutting operations. Provided, however, that an expenditure in excess of seventy-five cents (75¢) for each one thousand (1,000) feet log scale, or the equivalent thereof if products other than logs are cut, shall not be required. Slash and debris will be disposed of during the cutting operations or as soon thereafter as is practical. Provided, however, that any fire hazard to the property of others created by said slash and debris shall under no conditions be allowed to remain for more than *eighteen months* in any portion of the cutting area except with written permission of the state forester. If and when the operator has satisfactorily disposed of said slash or debris in accordance with the law and the rules and regulations of the state board of forestry he will be so notified, in writing, by the state forester.

Disposal of
slashings.

Time limit —
18 months.

"Any operator, as defined herein, may elect to have said slash and debris, incident to his cutting operations treated, protected or disposed of by the state forester under the rules and regulations of the state board of forestry. Said operator will deposit with the state forester the estimated costs of such disposal at such times and in such amounts as the state forester may direct, but in no event shall such deposit or payment exceed, in the aggregate, an amount equal to seventy-five cents (75¢), multiplied by the number of thousand of feet log scale cut from the forest area involved. The state forester will refund to said

Operator may
elect to have
state forester
act.

operator all sums deposited over and above costs of slash and debris treatment, protection or disposal.

Purchaser to
notify state
forester.

Sum to be
withheld by
purchaser.

Forester to re-
lease withheld
money.

“Each person, firm or corporation, hereinafter called the purchaser, who shall hereafter purchase or contract to purchase any timber, logs, trees, ties, posts, poles or other forest products cut from any forest lands within the State of Montana, shall within five (5) days after making said purchase or contract to purchase, notify the state forester of such purchase or contract together with the name of the person furnishing said forest products and the name of the owner of the land from which said products are cut. Each purchaser shall withhold, before making payment for such products a sum equal to seventy-five cents (75¢) for each thousand (1,000) feet log scale or the equivalent thereof if forest products other than logs are to be cut under such contract, unless the state forester has notified said purchaser that slash and debris from the cutting operator furnishing the forest products has been disposed of, or that the cutting operator has complied with the law. When the state forester is satisfied that said slash and debris, creating a fire hazard to the property of others, has been or will be legally treated, protected or disposed of by the cutting operator in accordance with the requirements of law and of the rules and regulations of the state board of forestry, he will release said money withheld by purchaser to insure compliance with the law. If, on or before the conclusion of said purchase or contract to purchase, the state forester has not released said withheld moneys the purchaser shall, upon demand, immediately remit the moneys withheld to the state forester. The state forester will issue receipt, therefore, to the purchaser. Said receipt shall discharge the purchaser from any and all liability for moneys withheld from cutting operator in the amounts shown by said receipt. The state forester shall retain such moneys as a surety covering treatment, protection or removal of said slash and debris or may, at his discretion procure the treatment, protection or disposal of said slash and debris by applying said money, or so much thereof as may be necessary in payment of the costs of such abatement.”

Repealing
clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Section 3. This act shall be in full force and effect from **Effective immediately.**
and after its passage and approval.

Approved February 13, 1953.

CHAPTER 19

An Act to Amend Section 26-201 of the Revised Codes of Montana, 1947, As Amended By Chapter 36 of the Laws of 1951, Relating to Definitions, to Include Bison or Buffalo On the Game Animal List, and to Remove Raccoon From the Game Animal List.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 26-201, Revised Codes of Montana, as amended by Chapter 36 of the Laws of 1951, be, **Amending clause.**
and the same is hereby amended to read as follows:

“26-201. **Definitions.** For the purpose of this act, the following shall be construed, respectively, to mean: **Certain terms defined.**

“Commission. The state fish and game commission.

“Person. The plural or singular, male or female, as the case demands, including individual, associations, partnerships, and corporations, unless the context otherwise requires.

“Open Season. The time during which game birds, fish, game and fur-bearing animals *may* be lawfully taken.

“Closed Season. The time during which game birds, fish, game and fur-bearing animals may not be lawfully taken.

“Angling or Fishing. The taking of, or attempting to take fish by hook and line or rod in hand.

“Upland Game Birds. Sharptailed grouse, blue grouse, prairie chicken, sage hen or sage grouse, fool hen, ruffed grouse, commonly called native pheasant or native partridge, quail, Chinese pheasant and Mongolian pheasant, commonly called ring-necked pheasant, Hungarian partridge, ptarmigan, and wild turkey.

“Migatory Game Birds. Waterfowl, including wild ducks, wild geese, brant, and swans; cranes, including little

brown, sandhill and whooping cranes; rails, including coots, gallinules, sora or other rails; shore birds, including avocets, curlew, dowitcher, godwits, knots, upland plover, killdeer, sandpipers, Wilson snipes, or jacksnipes, snipes, stilts, plovers, willets and yellow-legs.

“Nongame Birds. All wild birds not defined herein as upland game birds or migratory game birds, shall be deemed nongame birds.

“Game Animals. Deer, elk, moose, antelope, caribou, mountain sheep, mountain goat, bear *and bison or buffalo*.

“Fur-bearing Animals. Marten or sable, otter, fox, muskrat, fisher, mink and beaver.

“Predatory Animals. Coyote, wolf, wolverine, mountain lion, lynx, weasel, skunk and civet cat, black-footed ferret and bobcat.

“Game Fish. All species of the family salmonidae (chars, trout, and salmon); all species of the family thymallidae (grayling); all species of the family coregonidae (whitefish); all species of the genus stizostedion (sand pike or sauger and walleyed pike or yellow pike perch); all species of the genus Esox (northern pike, pickerel, and muskellunge); all species of the genus micropterus (bass).”

Approved February 13, 1953.

CHAPTER 20

An Act Relating to Game Animals: Empowering the State Fish and Game Commission to Issue Special Permits For the Killing or Taking of Certain Game Animals When Such Animals Are Increasing in Number and Damaging Property; Defining the Terms Used in This Act, and Repealing Sections 26-601, 26-602, 26-603 and 26-605 of the Revised Codes of Montana, 1947, and All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The words, “game animals”, as used in this act, mean deer, elk, moose, antelope, caribou, mountain sheep, mountain goats, bear, bison or buffalo.

“Game
animals”
defined.

Section 2. Whenever any species of game animals as defined in Section 1 of this act of either or both sexes, within the State of Montana, have increased in number to such an extent that, in the judgment of the state fish and game commission, the number of such animals should be reduced, or when public or private property is being actually and materially damaged or destroyed by said game, and when written complaint of such damage has been filed with the state fish and game commission by the owners of such property, the said commission shall have the power and authority, whenever in its opinion conditions warrant, to take, kill, remove, transplant or dispose of said species of game animals of either or both sexes under such rules, regulations and conditions as it may prescribe and formulate; provided, however, the fish and game commission may open the season on said species of game animals of either or both sexes, and may issue special licenses in a limited number, depending upon the number of game animals of the species to be killed, and in determining when such licenses shall be issued, the commission may when more applications are received than there are animals to be killed, award permits to those chosen under a drawing system.

When fish and game commission may reduce numbers.

Special season may be opened.

Section 3. Each application for a special license under this act shall be accompanied by the following fee: for antelope, five (\$5.00) dollars; for moose, twenty-five (\$25.00) dollars; for mountain goats, five (\$5.00) dollars; for mountain sheep, fifteen (\$15.00) dollars; for bison or buffalo, twenty-five (\$25.00) dollars.

Special licenses, fees.

Section 4. Special licenses as herein authorized may be issued only to persons holding valid big game licenses for the current year, which have been obtained by the applicants prior to the actual time of drawing for a special license.

Who may obtain special license.

Section 5. No person shall receive more than one special license for each species of game animals, as defined in this act, in any one license year; provided, further, that any person who has obtained a moose, mountain sheep, bison or buffalo permit shall not be eligible to apply for another such permit for the next succeeding ten (10) years; provided, further, that the fish and game commission shall not issue a special license to any person who has killed or

Limitations.

**Intent of
limitations.**

taken, during the current license year, a game animal of the species of which the granting of a special license is authorized under this act. However, in the event the number of applications received is not equal to the number of game species desired killed by the fish and game commission, reapplication may be made by those valid license holders of the current year who may fall within the ten (10) year limitation. It is the intent of this section that any person who has killed or taken a game animal during the current license year shall not be permitted to receive a special license under this act to hunt or kill a game animal of the same species.

**Provision for
tags.**

Section 6. A special license issued under this act shall be limited to one animal only, the sex of which shall be designated in said license or permit. A special license will be valid only for the period specified in the license. To every special license, there shall be attached a tag, coupon or marker, the form of which shall be provided by the state fish and game commission, and when any person shall take or kill any animal permitted to be taken under such special license, he shall immediately detach from his special license and attach in plain sight to the carcass of said animal the proper tag, coupon or marker, which shall be kept attached thereto as long as any part of said carcass shall remain unconsumed. When any deer or elk is killed, the carcass must be tagged with tag, coupon or other marker attached to his big game license in addition to tag, coupon or marker furnished with special license.

**Carcass must
be tagged.****Power to make
rules and
regulations.**

Section 7. The said fish and game commission is hereby authorized to make, promulgate and enforce such reasonable rules and regulations not inconsistent with the provisions of this act as in its judgment will accomplish the purposes of this act.

**Repealing
clause.**

Section 8. That Sections 26-601, 26-602, 26-603 and 26-605, of the Revised Codes of Montana, 1947, and all acts and parts of acts in conflict herewith, be, and the same are hereby repealed.

Approved February 13, 1953.

CHAPTER 21

An Act to Amend Section 75-1630 of the Revised Codes

of Montana, 1947, As Amended By Chapter 207, Laws of 1951, Relating to Transfer of Funds For Pupils Attending School Outside of Their Own District, By Providing For Reciprocal Agreements On Tuition Payments Between Montana and Neighboring States.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 75-1630 of the Revised Codes of Montana, 1947, as amended by Chapter 207, Laws of 1951, be, and the same is hereby amended to read as follows:

Amending clause.

“Section 75-1630. **Transfer of Funds.** Children may attend public elementary schools in districts in the county outside of the district in which they reside, or in a district in an adjoining county, or in a district in a county in another state when the district in such other state adjoins the district in which they reside, or is situated in a county in such other state, which county adjoins the State of Montana, when written permission is secured from the board of trustees of the district in which they are to attend school and when written permission has been given by the county superintendent of schools of the county in which the children reside. Permission must be granted for such attendance in another district within or without the county of such children’s residence when the following conditions exist:

Transfer of funds.

“1. When a child lives less than three (3) miles from a public elementary school in another district or county and three (3) or more miles from a public elementary school in the district or county of his own residence.

Prerequisite conditions.

“2. When a child resides more than three (3) miles distance from a public elementary school within his own district or county and no transportation is furnished by the home district or county to such school.

“3. When regular bus transportation is furnished by a public elementary school in another district or county and his own district or county does not furnish transportation.

“Such distances mentioned above shall be measured from the point where the private family dwelling house is situated to the school house by the shortest traveled route.

“For the purpose of determining the residence of such child, the place where the father resides and earns the major portion of the living for his family, shall be used.

“4. When a family has children who must attend high school outside of its own district or county and such family also has elementary school children who can more conveniently attend the elementary grades in the same district where the high school is located, provided such elementary children live more than three (3) miles from the home school or that a parent must move to town to provide high school education for his children.

“5. When the county superintendent of schools of the county where the child resides, for any other reason than stated above shall approve the attendance of any child in a public elementary school in another county. In approving such attendance in another district or county, the county superintendent shall take in consideration such items as distance to school, road conditions, trading center of parents, opportunity to live with relatives, dormitory facilities, living conditions, transportation and type of educational program.

Tuition rates
paid by resi-
dent district
to district of
attendance.

“When approval of attendance in another district within or without the county has been granted, the district in which such child resides shall pay to the school district where such child attends, an amount based on the following tuition rates: in the case of attendance at an elementary school with an average number belonging up to one hundred (100), the tuition to be paid shall be one hundred fifty dollars (\$150.00); where the school attended has an average number belonging between one hundred one (101) and three hundred (300), the tuition shall be one hundred twenty-five dollars (\$125.00); and where the school attended has an average number belonging over three hundred (300), the tuition rate shall be one hundred dollars (\$100.00) per pupil.

Budget item
required.

“It is hereby made the duty of the board of school budget supervisors in approving the budgets, to include therein an item to care for the above tuition, if this has not already been done by the board of trustees in preparing the budget for the district.

Applications
for out of
district
attendance—
conditions.

“Applications for permission to attend a school outside the district or county shall be made to the county super-

intendent before July 1, previous to the year of attendance, excepting in those cases where circumstances prevent such application. These applications are to be approved or disapproved, except as otherwise provided by law, by the county superintendent, and by the trustees of the district the pupil wishes to attend.

“At the close of the school term of the year in which such pupil attends this school outside the district, the clerk of such district shall transmit to the county superintendent the names of pupils from other districts attending his school, together with the number of days attended. This information in turn shall be transmitted by the county superintendent to the districts affected and such district shall reimburse the school attended for all pupils of its district; provided such pupil has attended at least forty (40) days. This amount of reimbursement shall be made an item of the budget for the coming year and reimbursement shall be made to the district of attendance out of the first funds available to the budget; provided, however, that the trustees of the district receiving pupils from another district may waive any or all tuition; provided, further, that the amount of this tuition shall not reduce the foundation program of the school paying it, but shall be an additional item added to it to be raised without a vote of the people; and provided further, that the district receiving the tuition may apply it against the needs of the budget after the regular district, county and state aid have been received.

Clerk of district of attendance to transmit names and days attended.

Reimbursement.

Proviso.

“In the case of a district which does not operate a school, the amount of this tuition can be raised without a vote of the people if the five (5) mill district levy and other local revenue is insufficient to raise the amount needed.

Tuition amount may be raised, when.

“It shall be the responsibility of the superintendent of schools and the board of trustees of the public elementary school receiving the pupils and county superintendent of schools of the county of the pupils' residence to determine and agree upon eligibility of pupils transferring under the provisions of this act; provided, that an appeal may be taken to the state superintendent of public instruction.”

Determination eligibility of transferring pupil.

Whenever elementary pupils residing in Montana are approved for attendance in an elementary school in an

Interstate transfer may be reciprocal.

State Superintendent may negotiate agreement on tuition payments.

adjoining state, and whenever elementary pupils in an adjoining state are approved for attendance in an elementary school in Montana, the above schedule of tuition payments may be waived and payments arrived at on a reciprocal basis with the state involved. The state superintendent of public instruction is hereby authorized to negotiate with the state superintendent of public instruction of each state involved in arriving at tuition payments, which may either be on a per pupil basis of a flat amount or on an actual cost basis.

Repealing clause.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 13, 1953.

CHAPTER 22

An Act to Amend Section 75-4230, Revised Codes of Montana, 1947, As Amended By Chapter 106, Laws of 1951, Relating to Attendance Outside of County of Residence — Transfer of Apportionments, By Providing For Reciprocal Agreements On Tuition Payments Between Montana and Neighboring States.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 75-4230, Revised Codes of Montana, 1947, as amended by Chapter 106, Laws of 1951, be, and the same is hereby amended to read as follows:

Attendance outside of county of residence.

“Section 75-4230. **Attendance Outside of County of Pupils Residence — Transfer of Apportionment.** The attendance of any eligible high school pupil at an accredited high school outside of the county of his residence, either within or without the state, must be authorized by the county superintendent of schools of the county of his residence when a pupil lives closer to a high school of an adjoining county than to any high school located in the county of his residence, or when due to road or geographical conditions it is impractical to attend the high school of his own district, and when proper application has been made

to the county superintendent of schools by the parent or guardian of the pupil for whom such transfer is desired; provided, that the county superintendent of schools may at his discretion require a pupil obtaining such transfer to attend the high school nearest his residence.

“In all other cases the county superintendent of schools may authorize at his discretion any eligible pupil to attend a high school in a county outside of his residence.

“No payment shall be made for attendance in another state except where such attendance is in a high school in a county adjacent to the county of the student’s residence.

Attendance in
adjacent state.

“Application for permission to attend a high school outside the county of residence shall be made to the county superintendent of the county of the pupils’ residence before July 1, previous to the year of attendance, except in those cases where circumstances make this impossible. The county superintendent must then approve or disapprove these applications and notify the individuals concerned, and the high school to be attended, and the county superintendent of the county where the pupil will attend school. At the end of the school year attended and before July 15, the clerk of the school district operating the high school attended shall send to his county superintendent the name of all pupils from outside of the county attending his school, together with such pupils’ home addresses and the number of days such pupils actually attended his high school, who in turn will transmit this information to the county superintendent of the pupils’ residence.

Procedure for
application.

“Tuition for the year attended is hereby made an obligation of the county of residence for the following year. Before August 1 each year, the county superintendent of the county of residence of the pupils concerned shall make out a high school transfer budget. The total of such transfer budget shall be determined by multiplying the number of pupils attending high school outside of his county by one hundred fifty dollars (\$150.00) in the case of attendance at a high school with an average number belonging up to one hundred (100) pupils; one hundred twenty-five dollars (\$125.00) in case of attendance at a high school with an average number belonging from one hundred one (101) to four hundred (400); and one hundred dollars (\$100.00) in case of attendance at a high school with an average

Tuition—
obligation of
county of
residence.

Transfer
budget.

number belonging over four hundred (400); provided further, that the pupil has attended at least forty (40) days.

"The total of the transfer budget shall be subtracted from the receipts from the county ten (10) mill levy for high schools before the remainder of such receipts is distributed to the high schools of the county. Such total of the transfer budget shall be held in a transfer fund separate and apart from other school funds and shall be allocated by the county treasurer upon instructions from the county superintendent.

Transfer
of funds.

"In December of each year the county superintendent of the county of the pupil's residence shall notify his county treasurer of the amount to be transferred to each high school educating the pupil concerned, and the said county treasurer shall forthwith remit said amounts to the county treasurer of the county in which such high schools are located. The county treasurer receiving such transfers of money shall place the amount to the credit of the general fund of the high school concerned. Receipts by any high school for tuition are to be used against the needs of the budget after county and state aid have been received.

Inmates of
orphans' home
attending
Twin Bridges
school.

"Whenever pupils are inmates of the Montana state orphans' home at Twin Bridges and attend the public high school in Twin Bridges, the latter school shall be reimbursed from the state public school equalization fund at the rate of two hundred fifty dollars (\$250.00) for each such pupil; provided, however, that this amount of tuition is not considered as a part of state equalization aid. Application for this tuition from the state is to be made in the same manner and at the same time as for regular state equalization aid."

Interstate
transfer may
be reciprocal.

Whenever pupils residing in Montana are approved for attendance in a high school in an adjoining state, and whenever pupils in an adjoining state are approved for attendance in a high school in Montana, the above schedule of tuition payments may be waived, and payments arrived at on the reciprocal basis with the state involved. The state superintendent of public instruction is hereby authorized to negotiate with the state superintendent of public instruction of each state involved in arriving at tuition

State superin-
tendent may
negotiate
tuition
agreement.

payments, which may either be on a per pupil basis of a flat amount or on an actual cost basis.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Repealing
clause.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Effective
immediately.

Approved February 13, 1953.

CHAPTER 23

An Act to Amend Section 75-1813, Revised Codes of Montana, 1947, as Amended by Chapter 32, Laws of 1951, Relating to Consolidated Districts, Procedure in Event of Consolidation and Bonded Debts to Provide for the Division of a Third Class District Upon Consolidation With First and Second Class Districts.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 75-1813, of the Revised Codes of Montana, 1947, as amended by Chapter 32, Laws of 1951, be, and the same is hereby amended to read as follows:

Amending
clause.

“Section 75-1813. Consolidated Districts, Procedure in Event of Consolidation, Bonded Debts.

“(1) Any two or more school districts lying in one county may be consolidated, either by the formation of a new district, or by the annexation of one or more districts to an existing district, as hereinafter provided.

Consolidation
of school
districts.

“When severally the boards of trustees of two (2) or more school districts, in regular meeting called for the publicly announced purpose of considering plans for consolidation of said two (2) or more districts and by majority vote of each board of trustees acting separately shall ask for district consolidation of each and all such petitioning boards, the county superintendent of schools having jurisdiction of such districts, within not less than twenty (20) nor more than thirty (30) days, shall cause a ten (10) days' posted notice to be given by the clerk in each district seeking election on such proposed consolidation of districts. Such notice is to be posted in three (3) public places in

Initiation
by trustees.

Notice
of election.

each such district and in one or more newspapers of the district or county, if there be such, giving the time and place or places specified in each notice to vote on the question of consolidation.

Alternate
method of
consolidation.

“Consolidation of any two (2) or more school districts lying in one county may also be effected by the people of the districts concerned whenever a petition shall be directed to and received by the county superintendent of schools, and shall in each such district seeking consolidation be signed by not fewer than twenty percent (20 %) of the qualified electors in such district. The county superintendent shall within not less than twenty (20), nor more than thirty (30) days, cause a ten (10) days’ posted notice to be given by the clerk in each district seeking election on such proposed consolidation of districts. Such notice is to be posted in three (3) public places in each such district, and in one or more newspapers of the district or county, if there be such, giving the time and place or places specified in each notice to vote on the question of consolidation.

Notice
of election.

Voting.

“(2) The votes at such election shall be by ballot, which shall read ‘For consolidation’ or ‘Against consolidation’. The presiding officer at such election shall, within ten (10) days thereafter, certify the result of the vote to the county superintendent of the county in which the district lies.

Duty of county
superintendent
where consoli-
dation voted.

“(3) If the majority of the votes cast in each district holding such election be for consolidation, it carries, and the superintendent, within ten (10) days thereafter, shall make proper orders to give effect to such vote, and shall thereafter transmit a copy thereof to the county clerk and recorder and to the clerk of each district affected. If the order be for the formation of a new district, it shall specify the name and number of such district, and the county superintendent shall appoint three (3) trustees to serve until the first Saturday in April succeeding.

Trustees
elected,
terms.

“(4) At the regular election succeeding there shall be elected by the regularly qualified electors three (3) trustees, one of whom shall serve for one (1) year, one for two (2) years, and one for three (3) years. The election of trustees and terms shall be the same as for other districts under the general school laws.

“(5) When, in the interest of reducing cost of operation or improving the school service for pupils, a board of trustees, of a third class district, shall by majority vote of its members or at the request of twenty percent (20%) of the qualified electors of the districts indicated by a petition, ask the county superintendent of schools to annex the territory and property of such third class district to any second or first class district *in its entirety, or proportionately to any number of first or second class districts as the board resolution or petition requests*, the county superintendent shall, upon an approving vote of the trustees of the district with which the annexation is sought, authorize an election on such annexation within not less than twenty (20) nor more than thirty (30) days. Notice of such election shall be given in the same manner and the same general plan for balloting shall be utilized on the question of district annexation by the electors of the petitioning district or districts as the case may be that is hereby authorized for district consolidation.

Annexation of third to first or second class districts, in whole or in part.

Election.

“(6) The ballot shall in this case be ‘For annexation’ and ‘Against annexation’. Should the action of the boards of trustees approving the plan of annexation be approved by majority vote of electors of the district or districts seeking election on the issue then the consolidation sought shall be effected by the county superintendent of schools within ten (10) days after such election. In the event of a disapproving vote by majority of votes cast by either of such voting districts, the proposed annexation shall fail.

Ballot form.

Favorable vote, duty of superintendent.

“(7) In case of annexation of any district or districts to any existing district, as herein provided, the proper officers of the annexed districts, within ten (10) days from the receipt of a copy of such order, shall turn over to the proper officers of the district to which they are annexed, all records, funds, and effects of such annexed district. In case of the formation of a new district, the proper officers of the discontinued districts in like manner, within ten (10) days after the organization of the new district, shall turn over the records, funds, and effects of such old districts to the proper officers of the new districts.

Records, funds, and effects of annexed district transferred.

“(8) In case of consolidation of districts by annexation, the title to school houses and sites of the separate districts shall vest in the new consolidated district. The officers

Vesting of title houses and sites.

Officers. of the first or second class district involved shall continue to hold office under the consolidated district until the end of the terms for which they were duly elected and their successors shall be regularly elected as provided by law.

“Consolidated school districts shall be governed by the general school laws of the state.

Existing debts of annexed districts remain. “(9) Bonded indebtedness of any district merged by consolidation or annexation shall remain the indebtedness and obligation of the district which originally incurred such bonded indebtedness and be paid by levies imposed upon property therein.”

Repealing clause. Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective immediately. Section 3. This act shall be in full force and effect on and after its passage and approval.

Approved February 13, 1953.

CHAPTER 24

An Act to Amend Section 71-223 Revised Codes of Montana, 1947, as Amended by Section 7, Chapter 199 of the Laws of 1951, Relating to the Right of Appeal, the Substitution of the State Board of Public Welfare for the State Department, Making Representation of the County Welfare Board at All Appeal Hearings Held by the State Board of Public Welfare Mandatory, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause. Section 1. That Section 71-223 Revised Codes of Montana, 1947, as amended by Section 7, Chapter 199, of the Laws of 1951, be, and the same is hereby amended to read as follows:

Right of appeal to state board. “71-223. **Right of Appeal.** If an application for assistance under this act is not acted upon by the county welfare board promptly or if a decision is made with which the applicant or recipient is not satisfied, he may appeal to the state board of public welfare for a fair hearing by addressing a request for the same to the state department of public welfare. The state board shall, upon receipt of

such an appeal, give the applicant or recipient *and the county welfare board* prompt notice and opportunity for a fair hearing. The state *board* shall prescribe the manner and form in which appeals shall be made and shall adopt such rules and regulations as are necessary for prompt holding of fair hearings. *The county welfare board shall be represented at such hearing.*

The state *board* may also, upon its own motion, review any decision of a county *welfare board*, and may consider any application upon which a decision has not been made by the county *board* within a reasonable time *from the filing thereof*. The state *board may cause* such additional investigation *to be made* as it may deem necessary, and shall make such decision as to the granting of assistance and the amount of assistance to be granted the applicant as in its opinion is justified and in conformity with the provisions of this act.

Original
jurisdiction
of state board.

In the case of the state *board* reviewing a county decision on its own motion, applicants or recipients affected by such decisions of the state *board* shall, upon request be given reasonable notice and opportunity for a fair hearing by the state *board*.

Notice and
hearing, if
requested.

All decisions of the state *board* shall be final and shall be binding upon the county involved and shall be complied with by the county department."

Decisions final.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing
clause.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Effective
immediately.

Approved February 13, 1953.

CHAPTER 25

An Act to Provide for the Protection and Preservation of Forest Resources of the State of Montana from Damage, Injury or Destruction by Forest Insect Pests and Tree Diseases; to Protect the Forests and Watersheds of Montana and Enhance the Production of Forests; to Promote the Stability of the Industry; to Protect the Recreational Values of the Forests; and to Independently and

Through Cooperation With the Federal Government, the State Government and Private Forest Land Owners Control, Suppress and Eradicate Outbreaks of Insect Pests and Tree Diseases in the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Policy
declared.

Section 1. It is declared to be the public policy of the State of Montana, in order to protect and preserve forest resources from destruction by forest insect pests and tree diseases, to protect the forest and watersheds of Montana, to enhance the production of forests, to promote the stability of forest industry, to protect the recreational values of the forest, to independently and through cooperation with the federal government and private forest land owners adopt measures to control, suppress and eradicate outbreaks of forest insect pests and tree diseases.

Necessity.

Section 2. This act is declared to be a measure necessary for the protection and preservation of the forest resources of the State of Montana.

Forest lands
defined.

Section 3. For the purposes of this act any land shall be considered forest land which has enough forest growth, standing or down, to constitute, in the judgment of the state forester and the state board of forestry, an insect or disease infestation breeding ground of a nature to constitute a menace, injurious and dangerous to the forest resources in the district or zone of infestation.

Forest land
owner defined.

Section 4. "Forest land owner" is defined as the person, firm, association or corporation having the actual, beneficial ownership of forest land or timber, other than an easement, right of way or mineral reservation.

State forester,
power and
duties
regarding
infestation.

Section 5. Whenever the state forester determines that there exists an infestation of forest insect pests or forest tree diseases injurious to the timber of forest growth on forest lands within the State of Montana, and that said infestation is of such a character as to be a menace to the timber or forest growth of this state, the state forester shall, with the written approval of the state board of forestry, declare the existence of a zone of infestation, and shall declare and fix the boundaries so as to definitely describe and identify the said zone of infestation.

Thereupon, the state forester or his agent shall have the power to go upon the land within said zone of infestation and cause the forest insect pest infestation or forest tree disease to be suppressed, eradicated and destroyed in the manner approved by the state board of forestry, and in order to accomplish the suppression, eradication and destruction of such infestation, the state forester may enter into cooperative agreement with the federal government and other public or private agencies, and with forest land owners using such funds as have been or may hereafter be made available for such purposes.

Section 6. Whenever the state forester determines that forest insect or disease control work within the designated zone of infestation is no longer necessary or feasible, then the state forester on advice and written consent of the state board of forestry, shall abolish the zone of infestation.

Section 7. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing
clause.

Approved February 14, 1953.

CHAPTER 26

An Act to Amend Section 71-202 Revised Codes of Montana, 1947, Relating to the Appointment of the Members of the State Board of Public Welfare, Their Removal, Qualifications, Salary, Term and Tenure of Office, Their Powers and Duties, and Repealing Paragraph (f) of Section 71-202 and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 71-202, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending
clause.

“71-202. **Appointment of State Board.** (a) The state board of public welfare shall consist of five (5) members appointed by the governor with the advice and consent of the senate on the basis of a broad experience and interest in civic affairs and matters of public welfare. *The members of the state board, no more than three (3) of whom shall be of the same political party, shall be appointed on or*

Appointment
board public
welfare.

before February 1st of each year in which the terms of members expire, to hold office for overlapping terms of four (4) years each; provided, however, that the persons heretofore appointed and now serving as such shall constitute the state board of public welfare under this act, until their successors are appointed. The governor shall fill the first two (2) vacancies in the state board as now constituted by the appointment of members whose terms shall expire on March 3, 1955, and shall fill the remaining three (3) vacancies in the state board as now constituted by the appointment of members whose terms shall expire on March 3, 1957. Board members may be removed by the

Removal
for cause.

Qualifications.

(b) Each member of the state board shall be a citizen of the United States and a resident of the State of Montana for a period of five (5) years immediately preceding the date of his appointment. Appointments to fill vacancies in the membership of the state board shall be made by the governor for the remaining portion of such term.

Oath and bond.

(c) The members of the state board shall take and subscribe to the constitutional oath of office and shall furnish a surety company bond conditioned upon the faithful and proper discharge of their duties in the amount of five thousand dollars (\$5,000.00) each, running to the State of Montana, the premium of which shall be paid by the state.

Chairman.

(d) The governor shall designate the chairman of the state board and the state board shall elect such remaining officers of the board as it may deem necessary.

Compensation.

(e) Members of the state board shall receive no compensation for their services other than the actual amount of traveling expenses actually incurred in respect to the performance of their official duties in attendance at regular or special meetings of the board and ten dollars (\$10.00) per diem for each day actually in attendance at such board meetings. The per diem of such individual member of the board shall be limited to not exceed the amount of five hundred dollars (\$500.00) per year. No member of the state board shall have any direct financial interest in or profit by any of the operations of the state department of public welfare or any of its agencies.

Per diem and expenses of state board members shall, upon claims being presented according to state law, be paid out of funds appropriated to the state department of public welfare."

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing
clause.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Effective
immediately.

Approved February 14, 1953.

CHAPTER 27

An Act Providing for Educational Opportunities for the Children of Members of the Armed Forces of the United States Killed While in the Armed Services of the United States or Dying as the Result of Disabilities or Diseases Incurred While in Said Service, Since September 16, 1940, or Hereafter During the Present National Emergency, Namely, the Korean Conflict, and Providing an Appropriation Therefor; Repealing Chapter 196 of the Session Laws of the Thirty-second Legislative Assembly.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The sum of ten thousand dollars (\$10,000.00) is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the purpose of creating and maintaining a "war orphans' educational fund" from which shall be paid, in whole, the charges for the matriculation, tuition, board, room rent, books and supplies of such of the children of members of the armed forces of the United States who served on active duty after September 16, 1940, or shall hereafter serve on active duty during the continuance of the present national emergency, namely, the Korean conflict, and who at the time of entry into such service had legal residence in this state, and who were heretofore, or shall hereafter be, either killed in action or shall have died as the result of injury, disease or other disability incurred while in the service of the armed forces of the United States, as are now attending or may hereafter attend any of the units of the greater university of Montana during the period ending June 30, 1955, provided any

Appropriation
to establish
war orphans'
educational
fund.

Eligibility.

such child shall enter such institution prior to attaining the age of twenty-one (21) years.

Board educa-
tion to
determine
eligibility.

Section 2. The state board of education shall determine the eligibility of any such child who shall make application for the benefits provided for in this act, and a finding by the United States veterans' administration that any such member was killed in action or died as the result of injury or other disability incurred in action shall be binding upon said board, but in the absence of such finding said board of education shall determine the facts.

Attendance
and charges.

Section 3. The state board of education shall satisfy itself of the attendance of any such child at any such institution, and as to the accuracy of the charges submitted to said board by the authorities of any such institution on account of attendance thereof of any such child.

Amount of
allotment.

Section 4. Said state board of education shall determine the amount to be allotted to any such child. The sum allotted shall be paid direct to the institution attended by such child, upon due presentation of a claim therefor bearing the approval of the state board of education endorsed thereon.

Repealing
Chapter 196,
L. 1951.

Section 5. That Chapter 196 of the Session Laws of the thirty-second legislative assembly be, and the same is hereby repealed.

Effective
immediately.

Section 6. This act shall be in full force and effect from and after its passage and approval.

Approved February 16, 1953.

CHAPTER 28

An Act to Amend Section 82-806, Revised Codes of Montana, 1947, by Providing That the State Apiarist Shall Have the Power to Inspect Apiaries; and to Amend Section 82-807, Revised Codes of Montana, 1947, Relating to Registration of Bee Locations by Providing for Forfeiture of Locations Under Certain Circumstances, by Providing for Seizure of Diseased Equipment and by Providing for the Sale or Transfer of Bee Locations; and to Amend Section 82-809, Revised Codes of Montana, 1947, Relating to the Inspection of Used Beekeeping

Equipment Transported Into the State by Providing for Certification of the Same as Disease-free, and by Providing for Quarantine of Such Equipment; and Providing That This Act Shall Be in Full Force and Effect From and After Its Passage and Approval.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 82-806, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending clause.

“82-806. **Powers and Duties of State Apiarist.** The state entomologist is hereby designated as the state apiarist and for the purpose of preventing the spread of contagious and infectious disease among bees and apiaries, the state apiarist, or any deputy appointed or employed by him, shall have the following powers:

State apiarist, powers and duties.

“1. To order the transfer of colonies of bees from hives or containers which cannot be properly examined for brood or other diseases to other hives or containers.

Transfer of colonies.

“2. To order the burning of, or to burn, any infected or contaminating bees, bee hives, brood combs, or any other equipment, which, in his judgment, is so infected or contaminated that disinfection thereof will not destroy the infection or contamination.

Burning of infected or contaminated.

“3. To order disinfection of any bee, bee hive, brood comb or any other equipment which is infected or contaminated and with full power to order the burning of, or to burn, any bee, bee hive, brood comb, or any other equipment, if, in his judgment, disinfection will not remove the infection or contamination, provided, however, before burning any such property, the state apiarist, or his deputy, shall give the owner of, or person in charge thereof, a written notice at least five (5) days prior to the date on which said property will be burned. This notice to be given by registered mail or personally served upon the owner of, or person in charge of, such property.

Order disinfection.

“4. To quarantine any apiary where foulbrood or any contagious or infectious diseases are present and, during such quarantine, to prevent the removal from such apiary, of any bees or equipment excepting under authority of a special permit issued by the state apiarist, or his deputy,

Quarantine.

permitting such removal under conditions and regulations to be prescribed by him. No person shall sell, or offer for sale, any apiary, bees or equipment while the same is under quarantine unless a permit authorizing such sale or removal is made by the state apiarist. Written notice of quarantine shall be posted by any officer at such quarantined apiary at a conspicuous place and a copy thereof shall be personally served or sent by registered mail to the owner of such apiary or person in charge thereof, and such quarantine shall continue in effect until it is ordered removed and a copy of such removal served in the same manner.

Inspection.

“5. To inspect any *apiary* or honey house or building or portion of building or container in which honey is stored, graded or processed, and determine whether or not any unsanitary conditions exist. If it is found that unsanitary conditions exist or are permitted to exist, the owner or person in charge shall be notified in writing to place such honey house, building or portion of building or container in a sanitary condition within a reasonable length of time, and any operator or owner of such honey house, building or container failing to obey such notice shall be guilty of a misdemeanor and shall be punished as provided in this act.”

Amending
clause.

Section 2. That Section 82-807, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Apiary
registration.

“82-807. **Registration.** It shall be unlawful for any person, firm or corporation in the State of Montana to possess or own an apiary without registering the same as hereinafter provided. Every person, firm or corporation who shall own or possess in the State of Montana an apiary shall, within sixty (60) days from and after the passage and approval of this act, and on or before the first day of April each year hereafter, cause the same to be registered in the following manner:

Blanks.

“1. Applications shall be made to the state apiarist for registration blank.

“2. Registration blanks shall be furnished by the state apiarist, which blank shall contain a statement of the name, place of residence, place of business, of the owner, together

with the number of colonies of bees, hives and equipment in such apiary, and the location in the state, setting forth specifically the location by sectional division to the nearest quarter section, and the township and range, and if within the corporate limits of a town or city, by setting forth the number of the lot and block in such town or city and stating also the name of the owner, renter and/or occupant of the land whereupon such apiary is located, and give such other information as the state apiarist may require under rules and regulations established by him for the protection, safety and welfare of the public and beekeeping industry. The registration blanks shall also include the date when the location was first established.

“If additional colonies of bees are added to the apiary by purchase or any means other than natural increase, after the registration of the apiary, a report thereof shall be made to the state apiarist within thirty (30) days setting forth the number of additional colonies added to the apiary.

Reports
on increase.

“3. Upon receipt of such application, and payment of the fees hereinafter prescribed, the state apiarist shall be authorized to issue a certificate of registration for an apiary, setting forth the name of the owner, the specific location and the number of colonies of bees or size of the apiary authorized under such registration.

Certificate of
registration.

“4. In issuing certificates of registration for apiaries established and registered as now provided by law, if there is a conflict between applicants with respect to location, the state apiarist shall give preference to the applicant having the oldest continuous established location.

Preference.

“5. Certificates of registration shall not be issued for new locations of apiaries which are within such close proximity to established registered apiaries that there is or may be danger of spread of disease, or that such proximity will or may interfere with the proper feeding and honey flow of such established apiaries.

“6. Before authorizing the establishment of new locations, the state apiarist shall give notice of at least ten (10) days by registered letter to all registered apiarists likely to be affected by the proposed new location so that any party affected may file written protests with the state apiarist against authorizing such new locations. In the

New location
notice.

Hearings.	event a written protest is filed, the state apiarist may require a hearing and notice of the time and place of such hearing shall be given all parties interested by registered mail at least ten (10) days before the date set for the hearing. Any party dissatisfied with the order of the state apiarist may bring an action in the district court of the county where the proposed location is located, within fifteen (15) days, to set aside or modify the order of the state apiarist. In the event such action is not brought within fifteen (15) days, the order of the state apiarist shall be final and conclusive upon the parties to the proceedings.
Appeal.	
Change of location.	“7. It shall be unlawful for the owner of any established registered apiary to change locations without first receiving from the state apiarist a permit to establish such new location. In making such application he shall specify the location with the same particularity as in the application or original registration. If such new location is not used within sixty (60) days after a permit is issued, then such permit shall lapse and all right thereunder shall terminate. ^o Provided further that permits for new locations shall not be issued for greater areas than the applicant can show are reasonably necessary for his needs consistent with good beekeeping practice.
Application.	
Location area limitation.	
Posting of certificate near location.	“8. The certificate of registration issued pursuant hereto shall be posted in a conspicuous place at or near the location of his colony of honey bees or beehives, and in the event one owner has more than one location, he shall obtain a duplicate of his original registration certificate and the same shall be posted at each location. Such duplicate registration certificate shall have printed across the face thereof the word ‘duplicate’.”
Forfeiture for non-use.	9. <i>An old apiary location which is not stocked with bees during at least part of the normal build-up or honey-producing season shall be forfeit, and all rights thereunder shall lapse and terminate and the same shall be open for new registration at the next regular registration time.</i>
Late registration.	10. <i>Any registration not applied for by April 1st of each year hereafter shall be considered as a late registration and as such shall incur an added penalty of ten (10) per cent of the regular applicable registration fee. Registrants who fail to apply for re-registration by April 1st of each</i>
Penalty.	

year hereafter, shall be notified of their delinquency by the state apiarist. Such notification shall be by registered mail, postage prepaid, and shall be deemed sufficient if deposited in a United States post office or mail box and addressed to such registrant at his last address appearing in the bee location registration files of the office of the state apiarist at least ten (10) days prior to May first. Any location for which application for re-registration is not made by May first of each year hereafter shall be forfeit and all rights thereunder shall lapse and terminate.

Notice.

Forfeiture
of location.

11. Any apiary not regularly attended in accordance with good beekeeping practice and which comprises a hazard or threat to disease control in the beekeeping industry may be considered an abandoned apiary and will be subject to seizure by the state apiarist. Any diseased equipment may be burned and the remainder may be sold at public auction, proceeds after the cost of sale are deducted to be returned to the former owner or his estate; provided, however, that before burning any such equipment, or causing the same to be sold, the state apiarist, or his deputy, shall give the owner of, or person in charge thereof, a written notice at least five (5) days prior to the date on which said property will be burned or sold. This notice to be given by registered mail or personally served upon the owner of, or person in charge of, such property.

Abandonment.

Seizure,
destruction
and sale.

Written notice.

12. Any right a beekeeper may have to a location may be sold or transferred to a purchaser subject to the provisions of this act, provided all bees and equipment thereon are sold to said purchaser.

Location right
transferable.

Section 3. That Section 82-809, Revised Codes of Montana, 1947, is hereby amended to read as follows:

Amending
clause.

‘82-809. Inspection of Used or Secondhand Beekeeping Equipment Transported Into the State. It shall be unlawful to transport or bring into the State of Montana any used beekeeping equipment or containers, including honey to be extracted, unless it is certified and duly marked as disease-free by a state apiarist of the state from which it is being moved. The Montana state apiarist shall be advised in advance of the date of entry and the destination of said material. In addition, any previously used equipment transported into the state shall be quarantined by the state apiarist in accordance with the provisions of

Importation
used bee
keeping
equipment
unlawful unless
certified.

Quarantine.

subdivision 4 of section 82-806, Revised Codes of Montana, 1947, from the time it enters the state until it has been in use while under quarantine for a minimum of ninety (90) days and at least until the following July first.

Owner pays
cost inspection.

“The costs of making inspections relating to the lifting of quarantine of said beekeeping equipment shall be paid in advance by the owner of said quarantined equipment and shall include a per diem of ten dollars (\$10.00) and all necessary traveling expenses and a fee of five dollars (\$5.00) for the issuance of a certificate of health. If inspection by the state apiarist or any other state, his deputy or deputies, is deemed insufficient for the protection of the Montana bee industry by the Montana state apiarist or deputies, the Montana state apiarist will so state by public statement, and importation of beekeeping materials, including honey for extracting, from such state shall be denied, unless the same is first inspected by the Montana state apiarist, or his deputy, and there is obtained from him a certificate of inspection showing that the same is apparently free from contagious or infectious disease. The costs of making such inspection shall be paid by the person requesting the same and inspection may be made at any point outside the State of Montana convenient to the person making the inspection. The Montana state apiarist may require that the costs of making such inspection be paid in advance and such costs shall include per diem of ten dollars (\$10.00) and of necessary traveling expenses, and a fee of five dollars (\$5.00) for the issuance of the certificate of inspection. Such beekeeping materials shall also be subject to quarantine as hereinbefore in this section provided.”

Payment
in advance.

Effective
immediately.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved February 16, 1953.

CHAPTER 29

An Act to Amend Section 53-106 of the Revised Codes of Montana, 1947, as Amended by Section 1, Chapter 111, Laws of Montana, 1951, Relating to Number Plates; Providing for Permanent Plates With Yearly Insert Plates

or Tabs; Validating Plates by Use of Windshield Sticker; Registrar of Motor Vehicles May Designate Prefix Numbers for Various State Departments; Number Plates Shall Bear the Words "State Owned"; Providing for the Letter "X" to be Placed on Plates for Vehicles Owned by Counties, Municipalities and School Districts — Registration Numbers for Plates Assigned to Counties Shall Begin With the Number 1 and be Numbered Consecutively; Providing That Numbered Plates Assigned to Any Motor Vehicle Shall be Used Only on Originally Assigned Motor Vehicle; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 53-106 of the Revised Codes of Montana, 1947, as amended by Section 1, Chapter 111, Laws of Montana, 1951, be, and the same is hereby amended to read as follows:

Amending
clause.

"53-106. (1757) **Number Plates.** (1) Every motor vehicle which shall be driven upon the streets or highways of this state shall display both front and rear a number plate, bearing the distinctive number assigned such vehicle by the registrar of motor vehicles. Such number plate shall be in *six* series: one series for owners of motor cars, one for owners of motor vehicles, of the motorcycle type, one for dealers in each of the two types of vehicles above named, *one for trailers* and one for trucks. All number plates for motor vehicles shall be renewed annually, shall bear a distinctive marking each year, and shall be furnished by the state.

Number plates.

"(2) In the case of motor cars, number plates shall be of metal at least five inches wide and not less than thirteen inches in length, and the word 'Montana' with the year shall be placed across the bottom of the plate. The background of the plate shall be of a distinctive color each year, which color shall be designated by the registrar of motor vehicles, *provided the registrar of motor vehicles shall, in his discretion, choose to select permanent number or identification plates with a yearly insert plate or tab bearing the last two numbers of the year for which such license is issued and such insert plate or tab shall be serially numbered in the same manner as the numbered*

Number plates,
description.

Registrar
may select
permanent
plates,
insert tabs.

Window
stickers.

Numbering.

Dealer plates.

Tax-exempt
vehicles.

State owned.

Counties,
municipalities,
school districts.

plates, then such permanent number or identification plates shall be made in such form and of such materials and of such color contrasts as he shall determine; provided further, that the registrar of motor vehicles may, in his discretion, designate number or identification plates for any year as the proper means of identifying the vehicle for a subsequent year or years, said plates to be validated by a windshield sticker of such size, color and design and displayed as he shall direct; such sticker shall bear a distinctive number and the registration period for which it is issued, after which period it shall be unlawful to further display same on the vehicle. The distinctive registration numbers shall begin with number 1 and be numbered consecutively for each series of plates. The distinctive registration number assigned to the vehicle and the numeral or symbol for the county in which the number plate is issued shall appear on the plate. The dimensions of such numerals and the manner of placing the same on said number plates shall be determined by the registrar of motor vehicles. For the use of dealers the number plates shall be essentially as those for motor cars and motorcycles, except that to the left of the serial number the plate shall contain the letter 'D', such letter to be the same height and size as the figures composing the serial number.

“(3) For the use of tax-exempt motor vehicles, in addition to the markings herein provided, number plates shall have thereon the following distinctive markings:

“*For vehicles owned by the state the registrar of motor vehicles may designate the prefix number for the various state departments, and all numbered plates issued to state departments shall bear the words 'state owned' and no year number will be indicated thereon as these numbered plates will be of a permanent nature, and will be renewed by the registrar of motor vehicles at such time when the physical condition of numbered plates requires same. For vehicles owned by the counties, municipalities and school districts and used and operated by officials and employees thereof in line of duty as such, there shall be placed on the number plates assigned thereto, in such position thereon as the registrar may designate, the letter 'X'. Distinctive registration numbers for plates assigned to motor vehicles of each of the counties in the state and those of the municipalities and school districts situated within each*

of said counties shall begin with number 1 and be numbered consecutively.

“(4) On all number plates assigned to motor vehicles of the truck and trailer type, other than tax-exempt trucks and trailers, there shall appear the letter ‘T’ for plates assigned to trucks and the letters ‘TR’ for plates assigned to trailers.

Trucks
and trailers.

“Number plates assigned to any motor vehicle shall be used only on the specific motor vehicle to which originally assigned.

“(5) For the purpose of this act, the several counties of the state shall be assigned numbers as follows: Silver Bow, 1; Cascade, 2; Yellowstone, 3; Missoula, 4; Lewis and Clark, 5; Gallatin, 6; Flathead, 7; Fergus, 8; Powder River, 9; Carbon, 10; Phillips, 11; Hill, 12; Ravalli, 13; Custer, 14; Lake, 15; Dawson, 16; Roosevelt, 17; Beaverhead, 18; Chouteau, 19; Valley, 20; Toole, 21; Big Horn, 22; Musselshell, 23; Blaine, 24; Madison, 25; Pondera, 26; Richland, 27; Powell, 28; Rosebud, 29; Deer Lodge, 30; Teton, 31; Stillwater, 32; Treasure, 33; Sheridan, 34; Sanders, 35; Judith Basin, 36; Daniels, 37; Glacier, 38; Fallon, 39; Sweet Grass, 40; McCone, 41; Carter, 42; Broadwater, 43; Wheatland, 44; Prairie, 45; Granite, 46; Meagher, 47; Liberty, 48; Park, 49; Garfield, 50; Jefferson, 51; Wibaux, 52; Golden Valley, 53; Mineral, 54; Petroleum, 55; Lincoln, 56; any new counties shall be assigned numbers by the registrar of motor vehicles as they may be formed, beginning with the number 57.”

County
numbers.

Section 2. If any part or parts of this act shall be held to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this act. The legislature hereby declares that it would have passed the remaining parts of this act if it had known that such part or parts thereof would be declared unconstitutional.

Saving clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing
clause.

Section 4. This act shall be in force and effect from and after its passage and approval.

Effective
immediately.

Approved February 16, 1953.

CHAPTER 30

An Act to Amend Section 16-1009 of the Revised Codes of Montana, 1947, Relating to the Sale or Exchange of Property by Boards of County Commissioners and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 16-1009 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Sale of
property by
counties,
powers and
procedure.

“16-1009 (4465.9) **Sale of Property.** (1) The board of county commissioners of the several counties in this state shall have the power to sell any property, real or personal, however acquired, belonging to the county, and which is not necessary to the conduct of the county's business or the preservation of its property. If the property, real or personal, sought to be sold, is reasonably of a value in excess of one hundred (\$100.00) dollars, the sale shall be at public auction at the courthouse door after previous notice given by publication in a newspaper published in said county, notice to be published once a week for four successive weeks and posted in five (5) public places in the county. The sale shall be for cash, or on such terms as the board of county commissioners may approve, provided at least twenty percent (20%) of the purchase price shall be paid in cash. In all sales of property of a value in excess of one hundred (\$100.00) dollars, there must before any sale be an appraisal thereof by the board and at a price representing a fair market value of such property, and such appraised value shall be stated in the notice of sale, *provided, that whenever a county purchases equipment, as provided in Section 16-1803, Revised Codes of Montana, 1947, county equipment which is not necessary to the conduct of the county business may be traded-in as part of the purchase price after appraisal as herein provided, or may be sold at public auction as herein provided, in the discretion of the board of county commissioners.*

May trade in
used equipment
after appraisal.

Objection to
appraisal—
procedure.

(2) Any taxpayer who may believe that such appraised value is less than the actual value of the property, may at any time before the day fixed for the sale of such property, file with the board of county commissioners written objec-

tions to such appraised value. When any such objection is filed it vacates the sale and the board of county commissioners must at once apply to the judge of the district court to have such property re-appraised. Upon such application the district judge shall appoint for such purpose three disinterested persons whose appraisal must be made and filed with the county clerk and recorder, which new appraisal or re-appraisal shall be used in the next sale of such property. Such appraisers, when appointed by the district judge, and after filing their appraisal report with the county clerk and recorder, shall be allowed five (\$5.00) dollars per day for each day necessarily employed in making such appraisal, and their necessary and actual expenses. No sale shall be made at public auction of any property unless it has been appraised within three months prior to the date of sale, and no such sale shall be made for less than ninety percent (90 %) of the appraised value.

(3) If no bid or offer is made for any property offered for sale at public auction, after appraisal and notice given, as provided herein, the board of county commissioners may, at any time thereafter, sell such property at private sale, and may on such private sale accept as the purchase price therefor an amount not less than ninety (90 %) percent of the appraised value thereof. All deferred payments on the purchase price of any property sold, shall bear interest at the rate of six percent (6 %) per annum, payable annually and may be extended over a period of not more than five (5) years. If the property to be sold is reasonably of a value of less than one hundred (\$100.00) dollars, sale thereof may be had at either public or private sale, as in the discretion of the board of county commissioners, may appear to be to the best interests of the county. If it be at public sale, notice shall be given by posting in five public places in the county at least five days before the date of sale. No title to any property sold under the provisions hereof, shall pass from the county until the purchaser, or his assigns, shall have paid the full amount of the purchase price therefor, into the county treasury for the use and benefit of the county.

Private sale
where no bid
made.

Interest.

(4) Provided, however, if within *one (1) year* no immediate sale be had of real estate attempted to be sold under the provisions of this section, the board of county commissioners may make trades or exchanges of *such real*

Power to
exchange
real estate.

estate owned by the county for any other lands or real estate of equal value located within the same county.”

Repealing
clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective
immediately.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 16, 1953.

CHAPTER 31

An Act to Create and Establish the Montana Toll Bridge Authority; Providing That the Members of the State Highway Commission Shall Constitute the Montana Toll Bridge Authority; Prescribing the Powers and Duties of Such Toll Bridge Authority, Including the Power to Establish and Construct Toll Bridges Upon Any Public Highways of This State; Providing for Findings and Determination by Said Authority Concerning the Necessity, Advantage and Practicability of Any Toll Bridge and Requiring Estimates of Costs and Revenues; Authorizing the Issuance of Toll Bridge Revenue Bonds Payable Solely From the Revenues of Such Toll Bridges, and Providing That Such Bonds Shall Not Be a Debt, Liability or Obligation of the State of Montana; Providing for a Lien upon Bond Proceeds; Prescribing the Powers of The Montana Toll Bridge Authority to Secure the Payment of Such Bonds; Providing for the Creation of Certain Funds in Connection With This Act; Providing for Obtaining Rights of Way; Providing for the Letting of Contracts by the State Highway Commission for the Construction of Toll Bridges, and That the State Highway Engineer Shall Have Charge of Such Construction and of the Operation and Maintenance of Toll Bridges and the Collection of Tolls Thereon; Empowering Said Montana Toll Bridge Authority to Fix Rates of Toll, and Providing for Accounting for Revenues and Declaring Such Tolls and Revenues to be Trust Funds for the Security and Payment of Revenue Bonds; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. **Definitions.** As used in this act, the terms, "Montana toll bridge authority" and "authority" shall be used interchangeably, and shall mean the Montana toll bridge authority created by this act; and "toll bridge" shall mean any bridge constructed under the provisions of this act, upon which tolls will be charged as hereinafter provided, together with all appurtenances and additions, alterations or improvements thereto or replacements thereof, and the approaches thereto, and all lands used therefor and improvements thereon.

Definitions.

Section 2. There is hereby created an authority to be known as the Montana toll bridge authority, which shall be composed of the members of the state highway commission. In addition to the powers and duties heretofore conferred on them the members of said state highway commission shall, as members of the Montana toll bridge authority, have the powers and perform the duties provided for in this act. All members of the authority shall serve without compensation other than that received as members of the state highway commission. The expense of any surveys and reports, paid from the funds of the state highway commission, shall be deemed fully repaid when such toll bridge becomes a free public bridge as provided in section 8 hereof. The chairman of the state highway commission shall be the chairman of said authority and the state highway engineer shall be the secretary-treasurer thereof. The authority is authorized to adopt rules and regulations for its own government and for the administration of this act and the execution of the powers and duties hereby conferred. All contracts, bonds and other instruments of the authority shall be executed in the name of Montana toll bridge authority by its chairman and attested by its secretary-treasurer. The authority shall have and adopt a seal bearing its name which shall be affixed to such bonds, instruments and records as the authority or its chairman may direct.

Montana toll
bridge
authority
created.Highway
commission
to be.Rules and
regulations.

Seal.

Section 3. The Montana toll bridge authority is empowered to establish and construct a toll bridge or toll bridges upon any of the public highways of this state, together with approaches thereto, wherever the same shall be found and determined to be necessary, advantageous and practicable for crossing any stream or body of water within this state.

Power.

Procedure.

Section 4. (1) Whenever the Montana toll bridge authority shall find and determine that the construction of any toll bridge is necessary, advantageous and practicable, it shall adopt a resolution making such finding and determination and declaring that public convenience and necessity require the construction of such toll bridge, which resolution shall contain a preliminary estimate of the cost of such construction and of the amount to be raised for such purpose by the issuance of revenue bonds, and a statement of the probable amount of money, property, materials or labor, if any, to be contributed from other sources in aid of any such construction. The authority shall also make estimates of the cost of such toll bridge, and of the cost of maintaining, repairing and operating the same, and of the revenues to be derived therefrom, and no such toll bridge shall be constructed hereunder unless said authority shall first find and determine that the probable revenues to be derived therefrom will be sufficient to pay the cost of maintaining, repairing and operating such toll bridge, and to pay the principal and interest on revenue bonds issued to provide funds with which to pay the cost thereof; provided, however, that in connection with the issuance of any such bonds, the failure of the authority to make the estimates required by this section or to make the same in proper form shall in no way affect the validity or enforceability of any such bonds.

Bonds.**Location of
toll bridge.**

(2) No toll bridge shall be authorized or constructed over or across any stream within a radius of fifty (50) miles on either side of any free public bridge now existing upon said stream, unless and until there shall first have been filed with the authority a petition requesting the construction of such toll bridge, signed by not less than twenty (20%) per cent of the taxpaying freeholders whose names appear on the last completed assessment roll of the county wherein such toll bridge is proposed to be constructed, or, if the same is to be located upon a stream at a point where such stream constitutes the boundary between two (2) counties, then such petition shall be signed by not less than twenty (20%) per cent of the taxpaying freeholders whose names appear on the last completed assessment roll of both of said counties.

Petitions.

(3) Such petition or petitions shall contain a statement showing the location of the proposed toll bridge and the

location of all free public bridges existing upon the same stream within a radius of fifty (50) miles of such proposed toll bridge, and shall further contain a concise statement of facts showing that the construction of such toll bridge is necessary, advantageous and practicable. Several petitions identical in form may be circulated, and after being signed there shall be attached thereto an affidavit of the person circulating the same to the effect that the signatures are genuine and that the signers knew the contents thereof at the time of signing the same. All petitions from each county shall be attached together so as to form a single petition before being filed with the authority, and such petition shall have attached thereto a certificate of the county clerk and recorder showing whether or not the same has been signed by twenty (20%) per cent or more of the taxpaying freeholders whose names appear on the last completed assessment roll of such county, and such petition shall thereupon be transmitted by said county clerk and recorder to the authority. The members of the authority shall meet and consider such petition within thirty (30) days after the filing thereof. The authority shall be the sole judge of the sufficiency of the petition and its findings shall be conclusive in favor of the innocent holder of bonds issued by reason of the presentation of such petition. If it is found that the petition bears the requisite number of signatures and is in proper form, and if the authority shall further find and determine that the construction of the proposed toll bridge is necessary, advantageous and practicable, the authority shall adopt a resolution making such finding and determination and containing the estimates and data hereinbefore provided for in sub-section one (1) of this section.

Section 5. (1) The authority is hereby authorized to provide by resolution, at one time or from time to time, for the issuance of toll bridge revenue bonds for the purpose of paying the cost of any toll bridge. The principal and interest of such bonds shall be payable solely from the special fund herein provided for such payment, and such bonds shall not be a debt, liability or obligation of the State of Montana, and shall be secured only by the revenues from the toll bridge or toll bridges constructed by virtue of this act. Said bonds shall mature at such time or times, not more than twenty (20) years from their date or dates,

May issue
revenue bonds.

as may be fixed by such resolution, but may be made redeemable before maturity at the option of the authority at such price or prices and under such terms and conditions as may be fixed by the authority prior to the issuance of the bonds. The authority shall determine the rate of interest such bonds shall bear, not exceeding six (6%) per centum per annum, the time or times of payment of such interest, the form of the bonds and the interest coupons to be attached thereto, and the manner of executing the bonds and coupons, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest thereof, which may be at any bank or trust company within or without the state.

Interest rate.

(2) All bonds issued under this act shall contain a statement on the face thereof that the state shall not be obligated to pay the same or the interest thereon except from the special fund hereinafter provided for. In case any of the officers whose signatures appear on the bonds or coupons shall cease to be such officers before the delivery of such bonds, such signatures shall nevertheless be valid and sufficient for all purposes with the same effect as though they had remained in office until such delivery. All such bonds shall be negotiable instruments and shall have and are hereby declared to have all the qualities and incidents of negotiable instruments under the negotiable instruments law of the state.

Bond conditions.

(3) Provisions may be made for the registration of any of such bonds in the name of the owner as to principal alone or as to both principal and interest. The bonds authorized under the provisions of this act may be issued and sold from time to time, in such amounts as shall be determined by the authority, and the authority may sell said bonds in such manner and for such price, as it may determine to be for the best interests of the state, but no such sale shall be made for less than a price which, computed with relation to the absolute maturity of the bonds in accordance with standard tables of bond values, will show a net return of six (6%) per centum per annum to the purchaser upon the amount paid therefor. The proceeds of such bonds shall be used solely for the payment of the cost of any toll bridge constructed hereunder, and the proceeds of such bonds shall be disbursed in such

Bonds —
registration,
manner of sale.

manner and under such restrictions as the authority may provide.

(4) If the proceeds of such bonds, by error of calculation or otherwise, shall be less than the cost of any toll bridge, additional bonds may in like manner be issued to provide the amount of such deficit and, unless otherwise provided in the resolution authorizing the bonds, shall be deemed to be of the same issue and shall be entitled to payment from the same fund, and shall be of equal preference and priority as the bonds first issued for the same toll bridge. If the proceeds of the bonds issued for any such toll bridge shall exceed the cost thereof, the surplus shall be paid into the fund hereinafter provided for the payment of principal and interest of such bonds. Prior to the preparation of definitive bonds, the authority may under like restrictions issue temporary bonds with or without coupons, exchangeable for definitive bonds when such bonds have been executed and are available for delivery.

Issuance of additional bonds.

Surplus.

(5) Each resolution providing for the issuance of bonds shall set forth and identify the toll bridge for which the bonds are to be issued, and the bonds authorized by each such resolution shall constitute a separate series. The bonds of each series shall be identified by a series letter or letters, and may be sold and delivered at one time or from time to time.

Series.

Section 6. All moneys received from any bonds issued pursuant to this act shall be applied solely to the payment of the cost of the toll bridge for the payment of which such bonds were issued, and there shall be and hereby is created and granted a lien upon such moneys until so applied, in favor of the holders of such bonds.

Bond moneys applied solely to toll bridge — lien created.

Section 7. In connection with the issuance and in order to secure the payment of such bonds, the authority shall have power:

Special powers of authority re bonds.

(a) To pledge all or any part of the tolls, income, profit and revenue of any such toll bridge, and to covenant to pay such tolls, income, profit and revenue into the appropriate fund therefor.

(b) To covenant to fix and establish such tolls, rates and charges as will provide at all times sufficient funds (1) to

pay all costs of operation and maintenance of such toll bridge together with necessary repairs thereto, and (2) to meet and pay the principal and interest of all such bonds as they severally become due and payable, and (3) to create such reserves for the principal and interest of all such bonds and to meet contingencies in the operation and maintenance of such toll bridge as the authority shall determine; and to make such further covenants as to such tolls, rates and charges as the authority shall deem necessary to secure the payment of such bonds; provided that no truck, trailer or automobile licensed in the name of the State of Montana or the federal government or any branch or department thereof, shall be required to pay any toll for the crossing of any such toll bridge.

(c) To create a special fund or funds, in addition to those required by this act, for moneys reserved for principal and interest on bonds and for meeting contingencies in the operation and maintenance of any such toll bridge and to determine the depository or depositories in which such funds shall be deposited and the manner in which such deposits shall be secured, and it shall be lawful for any bank or trust company incorporated under the laws of this state to act as such depository and to furnish such indemnifying bonds or to pledge such securities as may be required by the authority.

(d) To provide for the replacement of lost, destroyed or mutilated bonds.

(e) To covenant against extending the time for the payment of the principal of or interest on any of such bonds, directly or indirectly by any means or in any manner.

(f) To prescribe and covenant as to the events of default and terms and conditions upon which any or all of such bonds shall become or may be declared due before maturity and as to the terms and conditions upon which such declaration and its consequences may be waived.

(g) To covenant as to the rights, liabilities, powers and duties arising upon the breach of any covenant, condition or obligation.

(h) To vest in a trustee or trustees the right to enforce any covenant made to secure or to pay such bonds, to

provide for the powers and duties of such trustee or trustees, to limit the liabilities thereof, and to provide the terms and conditions upon which the trustee or trustees or the holders or any proportion of them may enforce any such covenant.

(i) To make such covenants and do any and all such acts and things as may be necessary or convenient or desirable in order to secure such bonds or to make such bonds more marketable, notwithstanding that such covenants, acts or things may not be enumerated or expressly authorized herein, it being intended to grant unto the authority power to do all things in the issuance of such bonds and in providing for their security that may not be inconsistent with the constitution of Montana.

Section 8. The authority is hereby empowered to fix the rates of toll and other charges for all toll bridges built under the terms of this act, and from time to time to change such rates of toll and other charges. Such tolls and charges shall at all times be fixed at rates to yield annual revenue equal to annual operating and maintenance expenses and to redeem and pay the principal and interest of all bonds as they severally become due and to create such reserves as the authority shall deem necessary; and such tolls and revenues shall constitute a trust fund for the security and payment of such bonds and shall not be pledged for any other purpose as long as such bonds or any of them are outstanding and unpaid. Whenever the toll bridge revenue bonds issued for the purpose of paying the cost of any toll bridge shall have been retired and the cost of construction of such toll bridge shall thereby have been repaid in full, such bridge thereafter shall be maintained and operated by the state highway commission as a free bridge.

Authority to
fix rates.

Becomes a free
bridge when
bonds repaid
in full.

Section 9. The authority shall create three (3) separate funds in respect of the bonds of each series issued by the authority, one (1) fund to be known as the "toll bridge construction fund, series,," another fund to be known as the "toll bridge revenue fund, series,," and another fund to be known as the "toll bridge sinking fund, series,," each such fund to be identified by the same series letter or letters as the bonds of such series. The moneys in each such fund shall be deposited in such depository

Three funds
in each
bond series.

Depositories
determined
by authority.

or depositaries and secured in such manner as may be determined by the authority. It shall be lawful for any bank or trust company incorporated under the laws of this state to act as such depository and to furnish such indemnifying bonds or to pledge such securities as may be required by the authority.

Deposit and
disbursal of
bond monies.

Section 10. The proceeds of the bonds of each series issued under the provisions of this act shall be placed to the credit of the appropriate construction fund, which fund shall at all times be kept segregated and set apart from all other funds. There shall also be credited to the appropriate construction fund all accrued interest upon the bonds and the interest received upon the deposits of moneys in such fund and moneys received by grant or donation from the United States or from any other source for the construction of such toll bridge. The moneys in each construction fund shall be disbursed in such manner as may be determined by the authority, subject to the provisions of this act, to pay the cost of the toll bridge for which such fund was created. Any surplus which may remain in any construction fund after providing for the payment of the cost of such toll bridge shall be added to and become a part of the appropriate sinking fund hereinafter provided for.

Surplus to
sinking fund.

Procedures
and purposes
of sinking
funds.

Section 11. The authority shall provide, in the proceedings authorizing the issuance of each series of bonds, for paying into the appropriate sinking fund at stated intervals all moneys then remaining in the toll bridge revenue fund after paying all costs of operation, maintenance and repair of the toll bridge with respect of which such revenue fund was created. All moneys in each sinking fund shall be pledged for the payment of and used only for the purpose of paying (a) the interest upon the bonds as such interest shall fall due, and (b) the necessary fiscal agency charges for paying bonds and interest, and (c) the principal of the bonds as they fall due, and (d) any premiums upon bonds retired by call or purchase as herein provided. Prior to the issuance of the bonds of each series the authority may provide by resolution for using the sinking fund or any part thereof in the purchase of any of the outstanding bonds payable therefrom, at the market price thereof, but not exceeding the price, if any, at which the same shall at the next interest date be payable or redeemable, and all

bonds redeemed or purchased shall forthwith be cancelled and no bonds shall be issued in place thereof. The moneys in each sinking fund, less such reserve as may be provided for the payment of principal and interest in the resolution authorizing the bonds, if not used within a reasonable time for the purchase of bonds for cancellation as above provided, shall be applied to the redemption of bonds then subject to redemption at the redemption price then applicable.

Repurchase and redemption of bonds.

Section 12. The state highway engineer shall have full charge of the construction of all toll bridges that may be authorized by the Montana toll bridge authority, and shall have full charge of the operation and maintenance thereof, and, under the supervision of said authority and subject to its rules and regulations said state highway engineer shall have charge of the collection of all tolls, which tolls shall be deposited to the credit of the respective toll bridge revenue fund designated by the authority.

State highway engineer, power and duties under authority.

Whenever funds are available for the construction of any toll bridge hereunder, the state highway engineer shall proceed with the construction thereof, but all contracts for such construction shall be let by the state highway commission by competitive bidding, after such notice and upon such terms as it shall prescribe by its rules and regulations.

Section 13. The state highway engineer shall keep full and complete accounts relating to each toll bridge constructed hereunder, and shall annually cause to be prepared and filed in the office of the secretary of state a balance sheet and income and profit and loss statement showing the financial condition of each toll bridge. All books, records and papers pertaining to any toll bridge shall at all reasonable times be open to the inspection of any citizen of the state.

Highway engineer to keep accounts and make reports.

Inspection by public.

The moneys remaining in each separate toll bridge revenue fund after providing the amount required for interest and redemption of bonds as hereinbefore provided, shall be held and applied in accordance with the proceedings relating to the authorization of such bonds.

The authority shall make and adopt rules and regulations regarding the collection of tolls and the deposit

thereof to the credit of the appropriate toll bridge revenue fund, and the transfer therefrom to the appropriate toll bridge sinking fund of moneys for the payment and redemption of bonds as they severally mature.

Rights of way,
eminent domain
and condemna-
tion powers
granted.

Section 14. The Montana toll bridge authority shall have power and authority to acquire by purchase or otherwise, necessary rights of way for any toll bridge and the approaches thereto, and it may exercise the power of eminent domain in the name of the state for said purpose.

Whenever it shall be deemed necessary by the authority to secure any right of way as herein provided, and the same cannot be acquired by purchase, the authority may direct the attorney general or any county attorney in any county wherein such right of way is situated, to procure such right of way by proceedings to be instituted as provided in sections 93-9901 to 93-9926 against all non-accepting landholders.

A right of way is hereby given, dedicated and set apart for toll bridges and approaches thereto, through, over, upon or across any property of this state, including highways, and through, over, upon or across any county road and any street or alley, and the acquisition and use thereof as herein provided shall be deemed superior and a more necessary public use and purpose than the public use or purpose to which such highway, road, street or alley has theretofore been dedicated.

Limitation on
construction.

Section 15. So long as any of the bonds issued hereunder for the construction of any toll bridge are outstanding and unpaid, there shall not be erected, constructed or maintained any other bridge for public use over or across the stream upon which such toll bridge is located within a distance of twenty (20) miles from either side of such toll bridge, excepting bridges actually in existence and being used at the time of the issuance of such bonds.

Severability.

Section 16. If any section, sentence, clause or phrase of this act is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this act. The legislative assembly of the State of Montana hereby declares that it would have passed this act irrespective of the fact that any one

or more sections, sentences, clauses or phrases may be declared unconstitutional or invalid.

Section 17. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing
clause.

Approved February 16, 1953.

CHAPTER 32

An Act to Repeal Certain Sections of the Revised Codes of Montana, 1947, Relating to Stallions and Jacks, Namely: Sections 46-1301, 46-1302, 46-1303, 46-1304, 46-1305, 46-1306, 46-1307, 46-1308, 46-1309, 46-1310, 46-1311, 46-1312, 46-1313, 46-1314, 46-1315, 46-1316, 46-1317, and 46-1318, Revised Codes of Montana, 1947, Relating to the Enrollment or Registration of Stallions or Jacks by a Stallion Registration Board, All of Which Sections Are a Part of and Together Comprise Chapter 13 of Title 46 of the Revised Codes of Montana, 1947, Section 45-1116, Revised Codes of Montana, 1947, Requiring a Stallion Keeper to File a Statement With the County Clerk, Section 45-1117, Revised Codes of Montana, 1947, Relating to Publication of False Pedigrees, and Section 45-1118, Revised Codes of Montana, 1947, Relating to the Lien for Services of a Stallion, Which Sections 45-1116, 45-1117, and 45-1118 Are a Part of Chapter 11 of Title 45 of the Revised Codes of Montana, 1947; Providing That This Act Shall be in Full Force and Effect From and After Its Passage and Approval."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Sections 45-1116, 45-1117, 45-1118, 46-1301, 46-1302, 46-1303, 46-1304, 46-1305, 46-1306, 46-1307, 46-1308, 46-1309, 46-1310, 46-1311, 46-1312, 46-1313, 46-1314, 46-1315, 46-1316, 46-1317, and 46-1318, Revised Codes of Montana, 1947, be, and the same are, and each is, hereby repealed.

Enumerated
sections
repealed.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing
clause.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Effective
immediately.

Approved February 16, 1953.

CHAPTER 33

An Act to Amend Section 38-406 of the Revised Codes of Montana, 1947, to Increase From Six (6) Weeks to Four (4) Months the Period of Retention of Voluntary Applicants for Admission to Montana State Hospital.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 38-406 of the Revised Codes of Montana, 1947, be, and the same hereby is amended to read as follows:

Voluntary
admission to
state hospital —
procedure.

“38-406. **Voluntary Application for Admission to State Hospital — Procedure.** (1) Any resident of this state may make voluntary application for admission to the Montana state hospital in order to have examinations, tests and observations and treatment of his mental condition. Such application shall be in writing and made in duplicate on a form prescribed by the superintendent of such hospital, and if approved by any physician licensed to practice medicine in this state, both copies thereof shall be presented to a judge of a district court who shall enter his written approval on each thereof upon the condition that the applicant, if admitted to such hospital, may be received and kept and retained therein for observation for a period of at least *four (4) months*, unless sooner released therefrom by the superintendent thereof. No entry with regard thereto shall be made in any of the court's records. Upon presentation of both copies of such application to the superintendent of such hospital such superintendent shall cause such person to be examined by the physicians connected with the hospital, and if it shall appear to such physicians, from such examinations, that such person is in such mental condition, or condition of mind as to warrant the placing of such person under observation and giving him such further examination and tests, and such treatment, if any, as may be deemed necessary, the superintendent shall receive such person into the hospital and keep and detain him therein for such purposes for a period of not exceeding *four (4) months*.

Period of
retention.

(2) If at any time before the expiration of such *four (4) months* period the superintendent and physicians making and giving him such examinations, tests, observa-

tion, and treatment, if any, shall determine and conclude that such person is not disordered in his mind, or is disordered in his mind but not to such an extent as to justify or require his commitment to such hospital, the superintendent shall return both copies of such application to him and release him from the hospital. But if at any time before the expiration of such *four (4) months* period the superintendent and physicians of the hospital making and giving such person such examinations, tests, observations, and treatments, if any, shall determine and conclude that such person is disordered in his mind to such an extent as to justify and require that he be committed to such hospital, the superintendent shall make and prepare a certificate, in duplicate, in substantially the same form and containing substantially the same statements, particulars and information as required by the certificate provided for in section 38-405, and signed in the same manner. One (1) copy thereof shall be retained in the files of the hospital and the other copy, together with a copy of the original application, shall be transmitted to the clerk of the district court of the county from which such person was received, who shall file the same, and immediately call the same to the attention of a district judge of such county, or to a judge sitting and acting in his place. Such district judge shall then make an order in duplicate that such person be committed to and retained and confined in the Montana state hospital. Both copies of such order shall be delivered to the clerk of the district court who must file and record one (1) thereof and transmit the other to the superintendent of such hospital which shall be the authority of such superintendent to keep, detain and confine such person to such hospital. All of the provisions and requirements of section 38-208, applicable thereto, shall apply to all orders made under the provisions of this section. The copy of application and the certificate of the superintendent of such hospital shall take the place and be in lieu of and equivalent in every respect to the affidavit and physicians' certificate provided for in sections 38-201 and 38-206."

**Formal
commitment,
procedure.**

Approved February 16, 1953.

CHAPTER 34

An Act to Amend Section 91-4704 of the Revised Codes of Montana to Provide That Notice of the Hearing to be Had Upon Petition of Persons Adjudged Incompetent, to Have Their Civil Rights Restored, Shall be Given to the Superintendent of Montana State Hospital in All Cases in Which the Petitioner Was Committed to Said Hospital, and Further to Provide That the Clerk of the Court by Which Such Petition is Determined Shall Mail to the Superintendent of the State Hospital a Copy of the Decision Rendered by the Court Upon Such Petition.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That section 91-4704 of the Revised Codes of Montana, 1947, be, and the same hereby is amended to read as follows:

Petitions to
restore to
capacity—
form and
procedure.

“91-4704. (10415) Petition for Restoration to Capacity.

A person who has been declared insane or incompetent, or the guardian, or any relative of such person within the third degree, or any friend, may apply, by petition, to the district court of the county in which he was declared insane, to have the fact of his restoration to capacity judicially determined. The petition shall be verified, and shall state that such person is then sane or competent. Upon receiving the petition, the court or judge must appoint a day for a hearing before the court, and, if the petitioner request it, shall order an investigation before a jury, which shall be summoned and impaneled in the same manner as juries are summoned and impaneled in civil actions. The court or judge shall cause notice of the trial to be given to the guardian of a person so declared insane or incompetent, if there be a guardian, and to his or her husband or wife, if there be one, and to his or her father or mother, if living in the county, *and to the superintendent of Montana state hospital in all cases in which the petitioner is on parole from said hospital.* On the trial, the guardian or relative of the person declared insane or incompetent, *the superintendent of Montana state hospital,* and, in the discretion of the court or judge, any other person, may contest the right to the relief demanded. Witnesses may be required to appear and testify, as in civil

cases, and may be called and examined by the court or judge on its *or his* own motion. If it be found that the person be of sound mind, and capable of taking care of himself and his property, his restoration to capacity shall be adjudged, and the guardianship of such person, if such person shall be not a minor, shall cease. *The clerk of the court by which such petition is determined shall mail a copy of the order determining the same to the superintendent of Montana state hospital.*

Approved February 16, 1953.

CHAPTER 35

An Act to Amend Section 1 of Chapter 116 of the Session Laws of Montana, 1949, Relating to the Permission of State Institutions Producing Surplus Commodities to Trade or Exchange Them for Needed Supplies Under Certain Conditions; Permitting the Giving Away of Surplus Production to Other State Institutions and Providing for the Recommendation of the State Controller and Approval by the Governor for Said Exchange.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1 of Chapter 116 of the Session Laws of Montana, 1949, be, and the same is hereby amended to read as follows:

Amending
clause.

“Section 1. Only when the *recommendation therefor is first made by the state controller and said recommendation approved by the governor* may any state institution incidentally engaged in producing commodities for its own use, and having a surplus of any commodities so produced, exchange or trade the same for other commodities and supplies with another state institution or otherwise, or may give any part or all of this surplus so produced to another state institution, when the best interests of state institutions and the State of Montana are served thereby.”

Exchange
of surplus
commodities by
institutions,
power of
controller
and governor.

Approved February 16, 1953.

CHAPTER 36

An Act to Amend Section 31-138 of the Revised Codes of Montana, 1947, Relating to Duplicate Certificates.

Be it enacted by the Legislative Assembly of the State of Montana:

**Amending
clause.**

Section 1. That Section 31-138 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

**Fee for
duplicate
certificate.**

“Section 31-138. **Duplicate Certificates.** In the event that an instruction permit or operator's or chauffeur's license issued under the provisions of this act is lost or destroyed, the person to whom the same was issued may, upon the payment of a fee of *fifty cents (50¢)*, obtain a duplicate, or substitute thereof, upon furnishing proof satisfactory to the board that such permit or license has been lost or destroyed.”

**Repealing
clause.**

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

**Effective
immediately.**

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 16, 1953.

CHAPTER 37

An Act Providing for the Regulation of the Practice of Artificial Insemination of Animals and Poultry in the State of Montana by the Montana Livestock Sanitary Board; Defining Certain Terms Used Herein; Providing for Licensing of Artificial Inseminators; Empowering the Livestock Sanitary Board to Prescribe Rules and Regulations Defining a Course on Artificial Insemination; Empowering the Livestock Sanitary Board to Prescribe Rules and Regulations for Examination of Candidates; Authorizing the Livestock Sanitary Board to Conduct Examination of Applicants; Authorizing the Livestock Sanitary Board to Conduct Hearings to Revoke or to Refuse to Renew Licenses of Artificial Inseminators; Empowering the Livestock Sanitary Board to Promulgate Such Reasonable Rules, Regulations and Orders as May be Necessary to Administer This Act; Requiring Licensed Artificial Inseminators to Maintain Certain Records; Specifying Only Certain Sires May be Used for Artificial Insemination; Providing Penalties for Violation of This Act; Providing That If Any Part of

This Act Is Adjudged Invalid, Inoperative, or Unconstitutional, Such Decision Shall Not Affect, Impair, or Invalidate the Remaining Portions of This Act; Providing for the Repeal of All Acts and Parts of Acts in Conflict Herewith; and Providing This Act Shall be in Full Force and Effect From January 1, 1954.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. **Statement of Purpose.** The practice of artificial insemination of animals and poultry in the State of Montana is hereby declared to be subject to regulation by the Montana livestock sanitary board, as prescribed in this act. Nothing herein shall be interpreted so as to require veterinarians duly licensed by the State of Montana to acquire the license hereinafter provided, but all such veterinarians shall be subject to all other provisions of this act. Nothing herein shall be interpreted to permit persons who practice artificial insemination who are not duly licensed as veterinarians to use or prescribe medicine, including chemical drugs, perform surgical operations, practice obstetrics, or otherwise practice veterinary medicine in any of its phases, other than as specifically permitted by this act.

Purpose of act.

Exception.

Section 2. **Definition of "Sire".** "Sire", as used herein, shall mean the male animal of any species, including, but not limited to, bulls, stallions, rams, boars, studs, bucks and cocks.

"Sire" defined.

Section 3. **Definition of "Artificial Insemination".** "Artificial insemination", as used herein shall mean the fertilization of or the attempt to fertilize the ova of the female animal by placing and implanting by artificial means in the genital tract of the female animal the seminal fluid obtained from the male animal.

Artificial insemination defined.

Section 4. **License Necessary to Practice Artificial Insemination.** It is unlawful for any person to practice artificial insemination of animals except as otherwise provided herein, unless he shall first obtain a license so to do as provided in this act. No license shall be required of or by any person to perform artificial insemination upon his own domestic animals.

License required.

Section 5. **Act to be Administered by Montana Livestock Sanitary Board.** This act shall be administered by

Administration of act.

Powers and
duties of
livestock
sanitary board.

the livestock sanitary board and in addition to any powers now conferred by law the livestock sanitary board shall have the following powers and duties:

(a) To conduct examinations to ascertain the qualifications and fitness of applicants to practice artificial insemination in the State of Montana.

(b) To prescribe rules and regulations for a fair and wholly impartial examination of candidates to practice artificial insemination.

(c) To prescribe rules and regulations defining a course on artificial insemination and sanitation and to determine the sufficiency of any such course for the purpose of qualifying persons to be licensed under this act.

(d) To conduct hearings or proceedings to revoke licenses of persons practicing under this act and to revoke such licenses for due cause, or upon such hearing to refuse, for due cause, a renewal of license to any person practicing artificial insemination.

(e) To promulgate such reasonable rules, regulations, and orders not contrary to the provisions of this act, when required, as may be necessary for the proper administration of this act, specifically including, but not limited to, rules, regulations, and orders relating to the means for preservation of semen and the use of semen imported into the State of Montana from other states, territories, and possessions of the United States and foreign countries.

Applicant's
character and
qualifications.

Section 6. Applicant's Character and Qualifications. Every applicant for a license to practice artificial insemination as in this act defined shall be a person of good moral character and a graduate of such a course in artificial insemination and sanitation, as may be prescribed by the livestock sanitary board or any equivalent course.

Applications,
form and fees.

Section 7. Application for License — Fees. Application for a license shall be made in writing by the applicant at such time, in such form and accompanied by such proof of applicant's fitness to practice as the livestock sanitary board may from time to time prescribe. The livestock sanitary board is authorized to charge every applicant a license fee of ten dollars (\$10.00) which shall accompany the application; provided that those persons actually en-

gaged in the practice of artificial insemination within the State of Montana at the time of the passage and approval of this act shall be exempted from the payment of the \$10.00 application fee. The request of each person so licensed for annual renewal license shall be accompanied by a fee of two dollars and fifty cents (\$2.50). All receipts from the above mentioned license payments shall be placed in the general fund.

Section 8. **Examination.** Each applicant shall be examined in writing by a duly appointed employee, or an officer of the livestock sanitary board. Such written examination shall be given to determine the knowledge of such applicant of the practice of artificial insemination. Such examination shall consist of such questions and cover such phases of the practice as may be prescribed from time to time by the said livestock sanitary board.

Examination
prescribed
by board.

No applicant shall be granted a license who shall fail to satisfactorily pass the examination.

In addition to such written examination, the applicant shall be examined in the art and skill of artificial insemination in such a manner and by such methods as shall reveal applicant's ability to practice artificial insemination.

Should an applicant who is required to procure a license as a prerequisite for engaging in the practice of artificial insemination fail to pass the required examination, the applicant may be re-examined at any regular or special examination thereafter upon the payment of ten dollars (\$10.00) re-examination fee.

Re-examina-
tion, fee.

Section 9. **Annual Expiration of License — Right of Livestock Sanitary Board to Require Examination on Renewal of License — Effect of Delinquency of License.**

License
expiration,
conditions
of renewal

If the applicant shall pass such examination, as is herein provided to be given, and shall show that he is a person of good moral character, and that he possesses the qualifications required by this act to entitle him to a license to practice artificial insemination, he shall be entitled to a license authorizing him to practice such artificial insemination within the State of Montana.

If the applicant shall satisfactorily pass the examination required, has made all other requirements provided for, and has shown himself to be otherwise possessed of the

necessary qualifications, he shall have issued to him a license to practice artificial insemination in the State of Montana. All licenses shall expire prior to the fifteenth (15th) day of January of each and every year at which time all licenses shall have been renewed. No examination shall be required on the renewal of a license, provided that the livestock sanitary board may require, if it deems it advisable, that any applicant for a renewal license shall take and pass an examination before his license be renewed to him. If the license has not been renewed on or before the first (1st) day of July next following the prescribed date for renewal, it will be necessary for such an applicant to take and satisfactorily pass an examination and meet all other requirements provided for by these rules and regulations before a license can be issued to him.

Revocation or
suspension
of license,
grounds stated.

Section 10. **Revocation or Suspension of Licenses.** The livestock sanitary board may either refuse to issue or refuse to renew or suspend or revoke any license upon any of the following grounds:

- (a) Fraud or deception in procuring the license.
- (b) The publication or use of any untruthful or improper statement, or representation with the view of deceiving the public, or any client or customer in connection with the practice of artificial insemination.
- (c) The conviction of a felony as shown by a certified copy of the record of the court of conviction.
- (d) Habitual intemperance in the use of intoxicating liquors, or habitual addiction to the use of morphine, cocaine, or other habit forming drugs.
- (e) Immoral, unprofessional, or dishonorable conduct manifestly disqualifying the licensee from practicing artificial insemination.
- (f) Gross malpractice.
- (g) Continued practice by a person knowingly having an infectious or contagious disease communicable to animals.
- (h) Violation of any of the provisions of this act or of any of the rules, regulations or orders promulgated by the livestock sanitary board to carry out the provisions of this act.

The livestock sanitary board may neither refuse to issue, nor refuse to renew, nor suspend, nor revoke any license, however, for any such cause, unless the person accused has been given at least twenty (20) days' notice in writing of the charge against him, and a public hearing by the livestock sanitary board is first had.

Notice.

Such hearing shall be held by the livestock sanitary board or its duly authorized agent; and the livestock sanitary board or its duly authorized agent is hereby authorized to administer oaths, subpoena witnesses and compel the production of relevant books and papers and receive evidence in order to carry out the provisions of this act.

Hearing.

Section 11. Livestock Sanitary Board to Maintain Register. The livestock sanitary board shall keep on file a register of all applicants for licenses, rejected applicants and persons permitted to practice under this act.

Register maintained.

Section 12. Licensees to Maintain Certain Records. Every person practicing artificial insemination, as herein defined, in the State of Montana must make and keep a record showing each artificial insemination performed by him, the date thereof, the owner of the animal so inseminated, and the source of the semen used by him for such purpose, and such other data as may, from time to time, be required by the livestock sanitary board or respective livestock breed associations where registered livestock are inseminated. Such records shall, at all times, be open to the livestock sanitary board or its duly authorized representatives for examination and inspection, and in addition thereto the method and procedure used by any person in the practice of artificial insemination under this act may be examined, inspected, and investigated by the livestock sanitary board or its duly authorized representative at any time.

Licensee to maintain certain records.

Section 13. Penalties. Any person who practices or attempts to practice artificial insemination, who publicly advertises for the purpose of practicing artificial insemination, or who uses any word or designation, title, or abbreviation calculated to induce belief that he is qualified to practice artificial insemination, without a license as provided in this act, shall be guilty of a misdemeanor, and shall be punished by a fine of not less than one hundred dollars

Penalties.

(\$100.00) or by imprisonment in the county jail for not less than thirty (30) days, or by both such fine and imprisonment.

**Reciprocity
provision.**

Section 14. Artificial Inseminators From Other States. Artificial inseminators coming from other states, who have passed the requirements of their respective states, may be permitted to practice in the State of Montana, subject to the payment of the necessary fees, but the standards and examinations conducted by the other states must first be passed upon and approved by the livestock sanitary board.

**Qualifications
of sires.**

Section 15. Only Certain Sires to be Used for Artificial Insemination. All sires used for artificial insemination must be free from brucellosis, vibriosis, trichomoniasis, dourine, posthitis, pullorum disease and all other transmissible, infectious, contagious diseases and all transmissible hereditary malformations and other detrimental or undesirable characteristics. Proof of fitness and purity of breed of such sires shall be provided to the livestock sanitary board by the owner or parties providing such sires for artificial insemination.

Semen imported into the State of Montana from other states, territories and possessions of the United States or from foreign countries shall not be used by any artificial inseminator until proof is made to the satisfaction of the livestock sanitary board that the sire from which such semen was taken was free from the above-mentioned diseases.

Severability.

Section 16. If any clause, sentence, paragraph, section, subdivision, or part of this act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, inoperative, or unconstitutional, such decision shall not affect, impair, or invalidate the remaining portions of this act, but shall be confined in its operation to the clause, sentence, paragraph, section, subdivision, or part directly adjudged to be invalid, inoperative, or unconstitutional.

**Repealing
clause.**

Section 17. All acts or parts of acts in conflict herewith are hereby repealed.

**Effective
date.**

Section 18. This act shall be in full force and effect after January 1, 1954.

Approved February 20, 1953.

CHAPTER 38

An Act to Amend Sections 92-701, 92-702, 92-703, 92-704 and 92-709 of the Revised Codes of Montana of 1947, as Amended by Chapter 48 of the Session Laws of 1951; Section 92-705 of the Revised Codes of Montana of 1947, Section 92-706 of the Revised Codes of Montana of 1947, as Amended by Chapter 41 of the Session Laws of 1949, and Section 92-823 of the Revised Codes of Montana of 1947, All Relating to Compensation for Injuries to Workmen by Increasing Compensation in Cases of: Temporary, Total and Total-partial Disabilities, for Injuries Causing Death, for Specified Injuries, Relating to Medical, Hospital and Other Services Furnished Injured Workmen and Duration of the Same, Increasing Burial Expense, and to Fix a Time for Initial Hearing Before the Industrial Accident Board on Workmen's Compensation Claims.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 92-701 of the Revised Codes of Montana of 1947, as amended by Chapter 48 of the Session Laws of 1951, be, and the same is hereby amended to read as follows:

Amending
clause.

“92-701. Compensation for Injury Producing Temporary Total Disability. For an Injury Producing Temporary Total Disability. Where the injured employee has no wife, child, father, mother, brother or sister residing within the United States who would be entitled to compensation in case of his death, fifty per centum (50%) of the weekly wages received at the time of the injury, subject to a maximum compensation of *twenty-four and 50/100 dollars (\$24.50)* per week; where the injured employee has a wife, or child, or father, or mother, or brother or sister residing within the United States, who would be entitled to compensation in case of his death, fifty-five per centum (55%) of the weekly wages received at the time of the injury, subject to the maximum compensation of *twenty-six and 50/100 dollars (\$26.50)* per week; where the injured employee has a wife and one child, or two children, or a father and mother, or two or more brothers and/or sisters residing within the United States who would

Compensation
rates
temporary
total disability.

be entitled to compensation in case of his death, sixty per centum (60%) of the weekly wages received at the time of the injury, subject to a maximum compensation of *twenty-seven and 50/100 dollars (\$27.50)* per week; where the injured employee has a wife and two children, or three children residing within the United States who would be entitled to compensation in case of his death, sixty-two and one-half per centum ($62\frac{1}{2}\%$) of the weekly wages received at the time of the injury, subject to the maximum compensation of *twenty-eight and 50/100 dollars (\$28.50)* per week; where the injured employee has a wife and three children, or four children residing within the United States who would be entitled to compensation in case of his death, sixty-five per centum (65%) of the weekly wages received at the time of the injury, subject to a maximum compensation of *twenty-nine and 50/100 dollars (\$29.50)* per week; where the injured employee has a wife and four or more children, or five or more children residing in the United States who would be entitled to compensation in case of his death, sixty-six and two-thirds per centum ($66\frac{2}{3}\%$) of the weekly wages received at the time of the injury, subject to a maximum compensation of *thirty and 50/100 dollars (\$30.50)* per week, and subject in all cases to a minimum compensation of *seventeen and 50/100 dollars (\$17.50)* per week, and subject to change when the number of beneficiaries or dependents decreases. Such compensation shall be paid during the period of disability, but for the period not exceeding three hundred (300) weeks from the date of injury."

Amending
clause.

Section 2. That Section 92-702 of the Revised Codes of Montana of 1947, as amended by Chapter 48 of the Session Laws of 1951, be, and the same is hereby amended to read as follows:

Compensation
rates
permanent
total disability.

"92-702. **Compensation for Injury Producing Total Disability Permanent in Character. For an Injury Producing Total Disability Permanent in Character.** Where the injured employee has no wife, child, father, mother, brother or sister residing within the United States who would be entitled to compensation in case of his death, fifty per centum (50%) of the weekly wages received at the time of the injury, subject to a maximum compensation of *twenty-four and 50/100 dollars (\$24.50)* per week; where the injured employee has a wife, or child, or father, or

mother, or brother or sister residing within the United States who would be entitled to compensation in case of his death, fifty-five per centum (55%) of the weekly wages received at the time of the injury, subject to a maximum compensation of *twenty-six and 50/100 dollars* (\$26.50) per week; where the injured employee has a wife and one child, or two children, or a father and mother, or two or more brothers and/or sisters, residing within the United States who would be entitled to compensation in case of his death, sixty per centum (60%) of the weekly wages received at the time of the injury, subject to a maximum compensation of *twenty-seven and 50/100 dollars* (\$27.50) per week; where the injured employee has a wife and two children, or three children residing within the United States who would be entitled to compensation in case of his death, sixty-two and one-half per centum (62½%) of the weekly wages received at the time of the injury, subject to a maximum compensation of *twenty-eight and 50/100 dollars* (\$28.50) per week; where the injured employee has a wife and three children, or four children residing within the United States who would be entitled to compensation in case of his death, sixty-five per centum (65%) of the weekly wages received at the time of the injury, subject to a maximum compensation of *twenty-nine and 50/100 dollars* (\$29.50) per week; where the injured employee has a wife and four children, or five or more children residing within the United States who would be entitled to compensation in case of his death, sixty-six and two-thirds per centum (66 2/3%) of the weekly wages received at the time of the injury, subject to a maximum compensation of *thirty and 50/100 dollars* (\$30.50) per week; and subject in all cases to a minimum compensation of *seventeen and 50/100 dollars* (\$17.50) per week; and subject to change when the number of beneficiaries or dependents decreases. Such compensation shall be paid during the period of disability, but for the period not exceeding five hundred (500) weeks from the date of injury."

Section 3. That Section 92-703 of the Revised Codes of Montana of 1947, as amended by Chapter 48 of the Session Laws of 1951, be, and the same is hereby amended to read as follows:

**Amending
clause.**

Compensation
rates,
partial
disability.

“92-703. **For Partial Disability — For an Injury Producing Partial Disability.** Where the injured employee has no wife, child, father, mother, brother or sister residing within the United States who would be entitled to compensation in case of his death, fifty per centum (50 %) of the difference between the wages received at the time of the injury and the wages that such injured employee is able to earn thereafter, subject to a maximum compensation of *twenty-four and 50/100 dollars (\$24.50)* per week; where the injured employee has a wife, or child, or father, or mother, or brother or sister residing within the United States who would be entitled to compensation in case of his death, fifty-five per centum (55 %) of the difference between the wages received at the time of the injury and the wages that such injured employee is able to earn thereafter, subject to a maximum compensation of *twenty-six and 50/100 dollars (\$26.50)* per week; where the injured employee has a wife and one child, or two children, or a father and mother, or two or more brothers and/or sisters residing within the United States who would be entitled to compensation in case of his death, sixty per centum (60 %) of the difference between the wages received at the time of the injury and the wages that such injured employee is able to earn thereafter, subject to a maximum compensation of *twenty-seven and 50/100 dollars (\$27.50)* per week; where the injured employee has a wife and two children, or three children residing within the United States who would be entitled to compensation in case of his death, sixty-two and one-half per centum (62½ %) of the difference between the wages received at the time of the injury and the wages that such injured employee is able to earn thereafter, subject to a maximum compensation of *twenty-eight and 50/100 dollars (\$28.50)* per week; where the injured employee has a wife and three children, or four children residing within the United States who would be entitled to compensation in case of his death, sixty-five per centum (65 %) of the difference between the wages received at the time of the injury and the wages that such injured employee is able to earn thereafter, subject to a maximum compensation of *twenty-nine and 50/100 dollars (\$29.50)* per week; where the injured employee has a wife and four or more children, or five or more children residing within the United States who would be entitled to compensation in case of his death, sixty-six

and two-thirds per centum (66 2/3%) of the difference between the wages received at the time of the injury and the wages that such injured employee is able to earn thereafter, subject to a maximum compensation of *thirty and 50/100 dollars* (\$30.50) per week; not exceeding, however, the maximum compensation allowed in cases of total disability, and not exceeding the total compensation provided in this act for the total loss of the member causing such partial disability. Such compensation shall be paid during the period of disability, not exceeding, however, five hundred (500) weeks in cases of permanent partial disability, and fifty (50) weeks in cases of temporary partial disability, subject to change when the number of dependents decreases.”

Section 4. That Section 92-704 of the Revised Codes of Montana of 1947, as amended by Chapter 48 of the Session Laws of 1951, be, and the same is hereby amended to read as follows:

Amending
clause.

“92-704. **Compensation for Injury Causing Death.** For beneficiaries residing within the United States. Where decedent leaves one beneficiary, fifty per centum (50%) of the wages received at the time of the injury, subject to a maximum compensation of *twenty-four and 50/100 dollars* (\$24.50) per week; where decedent leaves two beneficiaries, fifty-five per centum (55%) of the wages received at the time of the injury, subject to a maximum compensation of *twenty-six and 50/100 dollars* (\$26.50) per week; where decedent leaves three beneficiaries, sixty per centum (60%) of the wages received at the time of the injury, subject to a maximum compensation of *twenty-seven and 50/100 dollars* (\$27.50) per week; where decedent leaves four beneficiaries, sixty-two and one-half per centum (62½%) of the wages received at the time of the injury, subject to a maximum compensation of *twenty-eight and 50/100 dollars* (\$28.50) per week; where decedent leaves five beneficiaries, sixty-five per centum (65%) of the wages received at the time of the injury, subject to a maximum compensation of *twenty-nine and 50/100 dollars* (\$29.50) per week; where decedent leaves six or more beneficiaries, sixty-six and two-thirds per centum (66 2/3%) of the wages received at the time of the injury, subject to a maximum compensation of *thirty and 50/100 dollars* (\$30.50) per week; and subject

Compensation o
rates — death.

in all such cases to a minimum compensation of *seventeen and 50/100 dollars (\$17.50)* per week.

“For beneficiaries residing outside of the United States. Where decedent leaves one beneficiary, forty per centum (40 %) of the compensation which would be payable to such beneficiary, if residing within the United States; where decedent leaves two beneficiaries, forty-five per centum (45 %) of the compensation which would be payable to such beneficiaries, if residing within the United States; where decedent leaves three beneficiaries, forty-seven and one-half per centum ($47\frac{1}{2}$ %) of the compensation which would be payable to such beneficiaries, if residing within the United States; where decedent leaves four or more beneficiaries, fifty per centum (50 %) of the compensation which would be payable to such beneficiaries, if residing within the United States.

“If decedent leaves no beneficiaries, then compensation shall be payable as follows: To his major dependents, if any, residing in the United States at the date of the happening of the injury; where decedent leaves one major dependent, fifty per centum (50 %) of the wages received at the time of the injury, subject to a maximum compensation of *twenty-four and 50/100 dollars (\$24.50)* per week; where decedent leaves two major dependents, fifty-five per centum (55 %) of the wages received at the time of the injury, subject to a maximum compensation of *twenty-six and 50/100 dollars (\$26.50)* per week.

“If the decedent leaves no major dependents, compensation shall be payable to his minor dependents, if any, if residing within the United States at the time of the happening of the injury, as follows: Where decedent leaves one minor dependent, thirty per centum (30 %) of the wages received at the time of the injury; where decedent leaves two minor dependents, thirty-five per centum (35 %) of the wages received at the time of the injury; where decedent leaves three or more minor dependents, forty per centum (40 %) of the wages received at the time of the injury.

“All such payments of compensation provided for in this section shall be subject to a maximum compensation of *thirty and 50/100 dollars (\$30.50)* per week for a period not exceeding five hundred (500) weeks and subject to

change when the number of beneficiaries or dependents decreases, and provided, further, that compensation payable to major or minor dependents shall not exceed the amount of the dependency."

Section 5. That Section 92-709 of the Revised Codes of Montana of 1947, as amended by Chapter 48 of the Session Laws of 1951, be, and the same is hereby amended to read as follows:

Amending
clause.

"92-709. **Compensation in Case of Specified Injuries.** In case of the following specified injuries, the compensation in lieu of any other compensation provided by this act, shall be as follows: Where the injured employee has no wife, child, father, mother, brother or sister residing within the United States who would be entitled to compensation in case of his death, fifty per centum (50%) of the wages received at the time of the injury, subject to a maximum compensation of *twenty-four and 50/100 dollars (\$24.50)* per week; where the injured employee has a wife, or child, or father, or mother, or brother or sister residing within the United States who would be entitled to compensation in case of his death, fifty-five per centum (55%) of the wages received at the time of the injury, subject to a maximum compensation of *twenty-six and 50/100 dollars (\$26.50)* per week; where the injured employee has a wife and one child, or two children, or a father and mother, or two or more brothers and/or sisters residing within the United States who would be entitled to compensation in case of his death, sixty per centum (60%) of the wages received at the time of the injury, subject to a maximum compensation of *twenty-seven and 50/100 dollars (\$27.50)* per week; where the injured employee has a wife and two children, or three children residing within the United States who would be entitled to compensation in case of his death, sixty-two and one-half per centum (62½%) of the wages received at the time of the injury, subject to a maximum compensation of *twenty-eight and 50/100 dollars (\$28.50)* per week; where the injured employee has a wife and three children, or four children residing within the United States who would be entitled to compensation in case of his death, sixty-five per centum (65%) of the wages received at the time of the injury, subject to a maximum compensation of *twenty-nine and 50/100 dollars (\$29.50)* per week; where the injured employee has a wife

Compensation
rates,
specified
injuries.

and four or more children, or five or more children residing within the United States who would be entitled to compensation in case of his death, sixty-six and two-thirds per centum ($66 \frac{2}{3}\%$) of the wages received at the time of the injury, subject to a maximum compensation of *thirty and 50/100 dollars (\$30.50)* per week, subject to change when the number of beneficiaries or dependents decreases, and subject in all cases to a minimum compensation of *seventeen and 50/100 dollars (\$17.50)* per week, and shall be paid for the following periods:

For loss of:

One arm at or near shoulder	250 weeks
One arm at the elbow	225 weeks
One arm between wrist and elbow	200 weeks
One hand	187 weeks
One thumb and the metacarpal bone thereof ..	75 weeks
One thumb at the proximal joint	37 weeks
One thumb at the second distal joint	25 weeks
One first finger and the metacarpal bone thereof	37 weeks
One first finger at the proximal joint	25 weeks
One first finger at the second joint	18 weeks
One first finger at the distal joint	12 weeks
One second finger and the metacarpal bone thereof	37 weeks
One second finger at the proximal joint	18 weeks
One second finger at the second joint	12 weeks
One second finger at the distal joint	6 weeks
One third finger and the metacarpal bone thereof	25 weeks
One third finger at the proximal joint	15 weeks
One third finger at the second joint	10 weeks
One third finger at the distal joint	5 weeks
One fourth finger and the metacarpal bone thereof	15 weeks
One fourth finger at the proximal joint	11 weeks
One fourth finger at the second joint	7 weeks
One fourth finger at the distal joint	4 weeks
One leg at or near the hip joint as to preclude the use of an artificial limb	250 weeks
One leg at or above the knee where stump remains sufficient to permit the use of an artificial limb	187 weeks

One leg between knee and ankle	175 weeks
One foot at the ankle	156 weeks
One great toe with the metatarsal bone thereof	37 weeks
One great toe at the proximal joint	18 weeks
One great toe at the second joint	12 weeks
One toe other than the great toe with the metatarsal bone thereof	15 weeks
One toe other than the great toe at the proximal joint	7 weeks
One toe other than the great toe at second or distal joint	4 weeks
One eye by enucleation	150 weeks
Total blindness of one eye	125 weeks
Total loss of hearing, one ear	25 weeks
Total loss of hearing, both ears	150 weeks

“The loss of both hands, or both arms, or both feet, or both legs, or both eyes, or any two thereof, in one accident, in the absence of conclusive proof to the contrary shall constitute total disability, permanent in character. Provided, however, that the percentage of permanent disability caused by any single accident or injury shall be so computed as to cover the permanent disability caused by that particular injury without reference to any previous physical ailment or defect or to any injury previously suffered or any permanent disability caused thereby; provided, that no payment under this section shall be in lieu of the separate benefit of medical and hospital services.”

Section 6. That Section 92-705 of the Revised Codes of Montana of 1947, be, and the same is hereby amended to read as follows:

Amending
clause.

“92-705. **Providing for Payment of Burial Expense.** There shall be paid, in case of the death of an employee, which death is the result of an accidental injury arising out of the employment and happening in the course of the employment, the reasonable burial expenses of the employee, not exceeding *three hundred fifty dollars (\$350.00)* and such payment is not a part of the compensation which might be paid but is a benefit in addition to and separate and apart from compensation.”

Burial
allowance,
limitation.

Section 7. That Section 92-706 of the Revised Codes of Montana of 1947, as amended by Chapter 41 of the Session

Amending
clause.

Laws of 1949, be, and the same is hereby amended to read as follows:

Medical and
hospital
allowance,
limitation.

“92-706. (2917) **Medical and Hospital Services and Such Other Treatment as Approved by the Board, to be Furnished.** In addition to the compensation provided by this act and as an additional benefit separate and apart from compensation, the following shall be furnished:

“During the first *twelve (12)* months after the happening of the injury, the employer or insurer or the board, as the case may be, shall furnish reasonable services by a physician or surgeon, reasonable hospital services and medicines when needed, and such other treatment approved by the board, not exceeding in amount the sum of *fifteen hundred dollars (\$1500.00)*, unless the employee shall refuse to allow them to be furnished, and unless such employee is under hospital contract as provided in Section 92-610 (2907) of this act.

“When such employee is under a hospital contract as above and when hospital *and* medical facilities or both are inadequate to the needs of an injured employee in a particular case such injured employee, may, anytime, be placed where adequate hospital facilities are obtainable, and the cost thereof in whole or in part shall be a legal charge against the one so contracting to furnish hospital facilities, and the amount of such charge and the necessity therefor shall be determined by the board.

Artificial
members.

“And be it further provided, that where an injury arising out of and received in the course of employment necessarily results in the loss by amputation of an arm, hand, leg or foot, or the enucleation of an eye, or the loss of any of the natural teeth, the industrial accident board may, in its discretion, order that an artificial member be furnished to supply the loss of any such member or members so lost. Such artificial member shall be furnished at the expense of the employer, operating under plan one, or the insurer, operating under plan two, or the industrial accident fund where the employer is operating under plan three. The expense of furnishing any such member shall not exceed the following amounts: Hand or arm to elbow — *two hundred fifty dollars (\$250.00)*. Arm above elbow — *three hundred dollars (\$300.00)*. Foot or leg — *two hundred fifty dollars (\$250.00)*. Eye — *twenty-five dol-*

lars (\$25.00). Teeth — *one hundred seventy-five dollars (\$175 00)*. The replacement of an artificial member so furnished shall be required every five (5) years, if necessary.”

Section 8. That Section 92-823 of the Revised Codes of Montana of 1947, be, and the same is hereby amended to read as follows:

Amending
clause.

“92-823. **Time for Filing — Final Findings and Awards.** *The board shall hold the initial hearing to determine any dispute or controversy arising under this act within ninety (90) days from the date on which such disputed claim was filed with the board. After a final hearing by the board, it shall within thirty (30) days, make and file its findings upon all facts involved in the controversy, and its award, which shall state its determination as to the right of the parties.*”

Time limits for
initial hearings,
findings.

Section 9. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 20, 1953.

CHAPTER 39

An Act to Empower and Require City and Town Councils Where Necessary or Advisable in Connection With Special Improvement Districts to Provide for Repairs and Maintenance, or Both, to Allocate Total Costs to Improvements, Repairs, and Maintenance, and to Designate Such Districts as Special Improvement and Repair, or Special Improvement and Maintenance, or Special Improvement, Repair and Maintenance Districts, as the Case May Be.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. In all cities or towns the city or town council shall have power, and it is hereby made the duty of each city or town council, where it is necessary or advisable in connection with any special improvement district, to provide in addition to the construction of the proposed improvements for repairs to existing facilities, or for maintenance of improvements or repairs, or for both such

Special
improvement
districts,
council to
allocate
amounts
assessed to
separate
purposes.

repairs and maintenance, to include in the resolution or ordinance creating such special improvement districts or providing for assessments to defray the cost of improvements, repairs, and maintenance, a statement showing the allocation of the total amounts, either in dollars and cents or in percentages of said total amounts, to be assessed or assessed to said different purposes, to-wit: to improvements, to repairs if any, and to maintenance if any.

Council to designate special districts as purpose requires.

Section 2. In all cases set out in the preceding section the city or town council shall designate the special district formed as a special improvement and repair district, or a special improvement and maintenance district, or a special improvement, repair and maintenance district, as the case may be.

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved February 20, 1953.

CHAPTER 40

An Act to Amend Section 91-2702, Revised Codes of Montana, 1947, Relating to the Time to be Expressed in Notice to Creditors of Estates, and Providing That Such Time Shall be Four Months.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 91-2702, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Time expressed in notice to creditors.

“91-2702. (10171) **Time Expressed in the Notice.** The time expressed in the notice must be *four months* after its first publication.”

Approved February 20, 1953.

CHAPTER 41

An Act for the Assessment, Levy and Collection of Taxes

on All Personal Property Brought, Driven or Coming Into This State After the Regular Annual Assessment Date of Such Property; Providing the Procedure Therefor; Requiring Owners or Agents to Give Notice of Intention to Drive or Bring Livestock Into This State or to Move Such Property From One County to Another, and Providing for the Division and Proration of Taxes in Certain Instances, and Repealing Chapter 85 of the Laws of the Thirty-second Legislative Assembly and All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Any personal property, including livestock, brought, driven or coming into this state at any time during the year and which shall remain in the state for a period not less than thirty (30) days, shall be subject to taxation and shall be assessed for all taxes, levied or leviable for that year in the county in which the same shall thus be and remain, in the same manner and to the same extent except as hereinafter otherwise provided, as though such property had been in the county on the regular assessment date; provided that such property has not been regularly assessed for the year in some other county of the state, and provided further that nothing herein contained shall be construed into authority to assess or levy an additional tax against any merchant or dealer within this state on goods, wares or merchandise brought into the county to replenish the stock of such merchant or dealer, so long as such addition does not materially increase the inventory or stock which has been duly assessed to such merchant or dealer as of the regular assessment date; provided further, that this act shall not apply to motor vehicles brought, driven or coming into this state by any non-resident migratory bona fide agricultural workers temporarily employed in agricultural work in Montana where said motor vehicles are used exclusively for transportation of agricultural workers.

Personal
property
imported
subject to tax
in 30 days.

Proviso.

Section 2. The provisions of the Revised Codes of Montana, 1947, and all amendments heretofore made thereto relating to the listing of personal property for assessment and the assessment thereof for taxation, shall apply to all such personal property brought, driven or coming into this state after the regular annual assessment date as fully as

Existing
statutes
applied.

though said property had been in the state on such assessment date, as of the date such property comes to rest and becomes a part of the general property within any county of this state.

Equality of
assessment
provided.

Section 3. All property mentioned in the preceding section shall be assessed at the same value as property of like kind and character and in the assessment, levy and collection of the tax shall be governed by the provisions of Sections 84-4201 to 84-4211, inclusive, of the Revised Codes of Montana, 1947, as the same exist or are amended.

Pro-ration
after April 1.

Section 4. If such personal property is brought or driven or comes into any county before April first the tax shall be the full amount of the tax computed as provided above, but if brought, driven or coming into the county after April first the tax shall be prorated according to the ratio which the number of months remaining in said calendar year bears to the total number of months in said year.

Livestock
importer to
notify
assessor,
procedure.

Section 5. The owner or the agent, manager or foreman of any person, corporation, or association bringing livestock into this state after the first Monday in March shall immediately after said livestock crosses the state line, forward to the assessor of the county into which the livestock is moved, a registered letter, which letter shall inform said assessor of the name of the owner of such livestock, of the number thereof, the brand thereon, and the ages of the same, together with the time and place at which said livestock was brought across the state line, provided, that the Montana livestock sanitary board at least once each month furnish, from its own records to the assessor of the county into which such livestock is moved, a list of the number and kind of livestock so moved, together with the name of the owner thereof.

Assessor,
duty to act.

Section 6. The county assessor upon receipt of such letter or other information, that livestock has been brought into his county from outside of the state, after the first Monday in March in any year, shall immediately proceed under the provisions of Section 84-4201, Revised Codes of Montana, 1947, as amended.

Livestock,
grazing
purposes,
notice
required.

Section 7. If any owner of livestock driven into the state as hereinbefore provided intends to move said livestock from the county of entry to another county of this

state for grazing purposes, he shall file with the county assessor in the initial county a notice to that effect, giving the number and kind of livestock and the brand thereon, and the time he intends to graze such livestock in the second county, and the county assessor shall prorate the tax on such livestock in conformity with the provisions of Sections 84-5202 to 84-5208, inclusive, of the Revised Codes of Montana, 1947.

Assessor to
pro-rate tax.

Section 8. If any clause, sentence, section, paragraph or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid or inoperative, such judgment shall not affect, impair or invalidate the remainder of this act, but shall be confined in its operation to the clause, sentence, section, paragraph or part directly adjudged to be invalid and inoperative.

Severability.

Section 9. Chapter 85 of the laws of the thirty-second legislative assembly and all acts and parts of acts in conflict herewith are hereby repealed.

Repealing
Chapter 85,
Laws 1951.

Section 10. This act shall be in full force and effect from and after its passage and approval.

Effective
immediately.

Approved February 20, 1953.

CHAPTER 42

An Act to Amend Section 71-1003 of the Revised Codes of Montana, 1947, as Amended by Section 1, Chapter 192, Laws of 1949, Relating to Eligibility Requirements for Aid to Persons Having Silicosis and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 71-1003 of the Revised Codes of Montana, 1947, as amended by Section 1, Chapter 192, Laws of 1949, be amended to read as follows, to-wit:

Amending
clause.

“71-1003. Eligibility Requirements for Aid to Persons Having Silicosis, as Herein Defined. Payments shall be made under this *chapter* to any person who:

Eligibility
requirements
for aid to
silicotics.

“(a) Has silicosis, as defined in this *chapter*, which results in his total disability so as to prevent him from

engaging in a gainful occupation. The term 'gainful occupation' as used herein shall not be construed to mean occasional or intermittent light employment where the ability to do manual labor is not essential.

"(b) Has resided in and been an inhabitant of the State of Montana for ten (10) years, or more, immediately preceding the date of the application.

"(c) Is at the time of receiving a payment under this *chapter* an inmate of any public *medical* institution, *except any institution for the treatment of mental diseases or penal institution*. If the person to whom payment has been ordered to be paid is an inmate of Montana state tuberculosis sanatorium, then and in that case the payment herein provided for shall be made to his wife and children, if any.

"(d) Is not receiving, with respect to any month for which he would receive a payment under this *chapter*, compensation under the workmen's compensation act of the State of Montana, which will equal the fifty (\$50.00) dollars payment allowed hereunder. If he is receiving payments from either or both of these plans which is less in the aggregate than fifty (\$50.00) dollars per month, then if he is entitled to a payment under this *chapter* that payment shall be the difference between the amount which he is receiving under these plans and fifty (\$50.00) dollars per month."

Repealing
clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective
immediately.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 20, 1953.

CHAPTER 43

An Act Exempting From the Montana State Income Tax, All Payments of Adjusted Compensation Made Pursuant to Initiative No. 54, Commonly Known as the Veterans' Bonus Law Which Became Effective December 6, 1950, and Providing Refund of Any Income Tax Paid on Such Adjusted Compensation.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That all payments made pursuant to initiative No. 54, more commonly known as the veterans' bonus law, the effective date of which was December 6, 1950, are hereby exempt from taxation under the income tax laws of the State of Montana, and any income tax which has been or may hereafter be paid on income received from this source shall be considered an overpayment and shall be refunded upon the filing of an amended return and a verified claim for refund on forms prescribed by the board, in the same manner as other income tax refund claims are paid.

Veterans'
bonus law
payments
exempt from
income tax.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing
clause.

Section 3. This act shall take effect on the date of its passage and approval.

Effective
immediately.

Approved February 20, 1953.

CHAPTER 44

An Act Providing for the Coverage of Certain Officers and Employees of the Political Subdivisions of the State of Montana, Under the Old Age and Survivors Insurance Provisions of Title II of the Federal Security Act, as Amended; Authorizing the State Board of Equalization to Act as the State Agency for the Administration Thereof; Authorizing the State Board of Equalization to Enter Into an Agreement With the Federal Security Administrator for the Purposes of This Act; Providing That the Political Subdivisions of the State Which Operate Under This Act Shall Pay the Cost of Administration Thereof; Excluding From the Operation of This Act All Employees of the State of Montana, and All Employees of the Political Subdivisions Thereof Operating Under the Provisions of the Public Employees Retirement Act of the State of Montana, or Under Any Retirement Plan for Firemen, Policemen, Teachers or Highway Patrolmen and Repealing All Acts or Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Purpose of act. Section 1. In order to extend to employees of political subdivisions of the state and to the dependents and survivors of such employees, the basic protection accorded to others by the old age and survivors insurance system embodied in the social security act, it is hereby declared to be the policy of the legislature, subject to the limitations of this act, that such steps be taken as to provide such protection to employees of the political subdivisions of the state on as broad a basis as is permitted under the social security act.

Terms defined. Section 2. For the purposes of this act —

(a) The term “wages” means all remuneration for employment as defined herein, including the cash value of all remuneration paid in any medium other than cash, except that such term shall not include that part of such remuneration which, even if it were for “employment” within the meaning of the federal insurance contributions act, would not constitute “wages” within the meaning of that act;

(b) The term “employment” means any service performed by an employee in the employ of any political subdivision of the state, for such employer, except (1) service which in the absence of an agreement entered into under this act would constitute “employment” as defined in the social security act; or, (2) service which under the social security act may not be included in an agreement between the state and the federal security administrator entered into under this act.

(c) The term “employee” includes an elective or appointive officer or employee of a political subdivision of the state;

(d) The term “state agency” means the state board of equalization, referred to herein as the state agency;

(e) The term “federal security administrator” includes any individual to whom the federal security administrator has delegated any of his functions under the social security act with respect to coverage under such act of employees of states and their political subdivisions;

(f) The term “political subdivision” includes an instrumentality of the state, of one or more of its political

subdivisions, or of the state and one or more of its political subdivisions, including leagues or associations thereof, but only if such instrumentality is a juristic entity which is legally separate and distinct from the state or subdivision and only if its employees are not by virtue of their relation to such juristic entity employees of the state or subdivision. The term shall include special districts or authorities created by the legislature or local governments such as but not limited to school districts, housing authorities, etc.;

(g) The term "social security act" means the act of congress approved August 14, 1935, Chapter 531, 49 Stat. 620, officially cited as the "social security act", (including regulations and requirements issued pursuant thereto), as such act has been and may from time to time be amended; and

(h) The term "federal insurance contributions act" means subchapter A of chapter 9 of the federal internal revenue code as such code has and may from time to time be amended.

Section 3. (a) The state agency, with the approval of the governor, is hereby authorized to enter on behalf of the state into an agreement with the federal security administrator, consistent with the terms and provisions of this act, for the purpose of extending the benefits of the federal old age and survivors insurance system to employees of any political subdivision of the state with respect to services specified in such agreement which constitute "employment" as defined in section 2 of this act. Such agreement may contain such provisions relating to coverage, benefits, contributions, effective date, modification and termination of the agreement, administration, and other appropriate provisions as the state agency and federal security administrator shall agree upon, but, except as may be otherwise required or permitted by or under the social security act as to the services to be covered, such agreement shall provide in effect that —

State board of equalization authorized to enter agreement to extend federal security coverage to political subdivision employees.

(1) Benefits will be provided for employees whose services are covered by the agreement (and their dependents and survivors) on the same basis as though such services constituted employment within the meaning of title II of the social security act;

Terms of agreement.

(2) The state will pay to the secretary of the treasury of the United States, at such time or times as may be prescribed under the social security act, contributions with respect to wages (as defined in section 2 of this act), equal to the sum of the taxes which would be imposed by sections 1400 and 1410 of the federal insurance contributions act if the services covered by the agreement constituted employment within the meaning of that act;

(3) Such agreement shall be effective with respect to services in employment covered by the agreement performed after a date specified therein but in no event may it be effective with respect to any such services performed prior to the first day of the calendar year in which such agreement is entered into or in which the modification of the agreement making it applicable to such services, is entered into, except that in the case of an agreement or modification of an agreement made prior to January 1, 1954, such agreement or modification may be made effective retroactively to January 1, 1951;

(4) All services which (A) constitute employment as defined in section 2, (B) are performed in the employ of a political subdivision of the state, and (C) are covered by a plan which is in conformity with the terms of the agreement and has been approved by the state agency under section 4, shall be covered by the agreement.

Political
subdivision
may submit
plan for
extending
benefits.

Section 4. (a) Each political subdivision of the state is hereby authorized to submit for approval by the state agency a plan for extending the benefits of title II of the social security act, in conformity with applicable provisions of such act, to employees of such political subdivision. Each such plan and any amendment thereof shall be approved by the state agency if it finds that such plan, or such plan as amended, is in conformity with such requirements as are provided in regulations of the state agency, except that no such plan shall be approved unless —

Requirements
for approval
of plan.

(1) it is in conformity with the requirements of the social security act and with the agreement entered into under section 3;

(2) it provides that all services which constitute employment as defined in section 2 and are performed in the employ of the political subdivision by employees thereof, shall be covered by the plan;

(3) it specifies the source or sources from which the funds necessary to make the payments required by paragraph (1) of subsection (c) and by subsection (d) are expected to be derived and contains reasonable assurance that such sources will be adequate for such purpose;

(4) it provides for such methods of administration of the plan by the political subdivision as are found by the state agency to be necessary for the proper and efficient administration of the plan;

(5) it provides that the political subdivision will make such reports, in such form and containing such information, as the state agency may from time to time require, and comply with such provisions as the state agency or the federal security administrator may from time to time find necessary to assure the correctness and verification of such reports;

(6) it authorizes the state agency to terminate the plan in its entirety, in the discretion of the state agency, if it finds that there has been a failure to comply substantially with any provision contained in such plan, such termination to take effect at the expiration of such notice and on such conditions as may be provided by regulations of the state agency and may be consistent with the provisions of the social security act.

(b) The state agency shall not finally refuse to approve a plan submitted by a political subdivision under subsection (a), and shall not terminate an approved plan, without reasonable notice and opportunity for hearing to the political subdivision affected thereby.

Notice and
hearing prior
to disapproval.

(c) (1) Each political subdivision as to which a plan has been approved under this section shall pay into the contribution fund, with respect to wages (as defined in section 2 of this act), at such time or times as the state agency may by regulation prescribe, contributions in the amounts and at the rates specified in the applicable agreement entered into by the state agency under section 3.

Payments

(2) Each political subdivision required to make payment under paragraph (1) of this subsection shall, in consideration of the employees retention in, or entry upon, employment after enactment of this act, impose upon each of its employees, as to services which are covered by an

approved plan, a contribution with respect to his wages (as defined in section 2 of this act), not exceeding the amount of tax which would be imposed by section 1400 of the federal insurance contributions act if such services constituted employment within the meaning of that act, and to deduct the amount of such contribution from his wages as and when paid. Contributions so collected shall be paid into the contribution fund in partial discharge of the liability of such political subdivision or instrumentality under paragraph (1) of this subsection. Failure to deduct such contribution shall not relieve the employee or employer of liability therefor.

Delinquent
payments,
interest.

(d) Delinquent payments due under paragraph (1) of subsection (c) may, with interest at the rate of 4 per cent (4%) per annum, be recovered by action in a court of competent jurisdiction against the political subdivision liable therefor, or may, at the request of the state agency, be deducted from any other moneys payable to such subdivision by any department, agency or fund of the state.

Contribution
fund
established,
management.

Section 5. (a) There is hereby established a special fund to be known as the contribution fund. Such fund shall consist of and there shall be deposited in such fund: (1) all contributions, interests, and penalties collected under section 4; (2) all moneys appropriated thereto by the legislative assembly of the State of Montana; (3) any property or securities and earnings thereof acquired through the use of moneys belonging to the fund; (4) interest earned upon any moneys in the fund, and (5) all sums recovered upon the bond of the custodian or otherwise for losses sustained by the fund and all other moneys received from the fund from any other source. All moneys in the fund shall be mingled and undivided. Subject to the provisions of this act, the state agency is vested with full power, authority and jurisdiction over the fund, including all moneys and property or securities belonging thereto, and may perform any and all acts whether or not specifically designated, which are necessary to the administration thereof and are consistent with the provisions of this act.

(b) The contribution fund shall be established and held separate and apart from any other funds or moneys of the state and shall be used and administered exclusively

for the purpose of this act. Withdrawals from such fund shall be made for, and solely for (A) payment of amounts required to be paid to the secretary of the treasury of the United States pursuant to an agreement entered into under section 3; (B) payment of refunds of over payments, not otherwise adjustable, made by a political subdivision or instrumentality.

(c) From the contribution fund the custodian of the fund shall pay to the secretary of the treasury of the United States such amounts and at such time or times as may be directed by the state agency in accordance with any agreement entered into under section 3 and the social security act.

(d) The treasurer of the state shall be ex officio treasurer and custodian of the contribution fund and shall administer such fund in accordance with the provisions of this act and the directions of the state agency and shall pay all warrants drawn upon it in accordance with the provisions of this section and with such regulations as the state agency may prescribe pursuant thereto.

Section 6. All costs allocable to the administration of this chapter shall be charged to and paid to the general fund by the participating divisions and instrumentalities of the state pro rata according to their respective contributions.

Costs to
general fund
on pro-rata
basis.

Section 7. The state agency shall make and publish such rules and regulations, not inconsistent with the provisions of this act, as it finds necessary or appropriate to the efficient administration of the functions with which it is charged under this act.

Rules and
regulations.

Section 8. This act shall not apply to, and there shall be excluded from the operation thereof, all employees of the state, and all employees of the political subdivisions thereof operating under the provisions of the public employees retirement act of the State of Montana, or under any retirement plan for firemen, policemen, teachers, or highway patrolmen.

Exclusion of
employees
under certain
other retire-
ment plans.

Section 9. If any provisions of this act, or the application thereof to any person or circumstance is held invalid, the remainder of this act and the application of such provision

Severability.

to other persons or circumstances shall not be affected thereby.

Repealing
clause.

Section 10. All acts or parts of acts which are inconsistent with the provisions of this act are hereby repealed.

Effective
immediately.

Section 11. This act shall take effect upon approval.

Approved February 20, 1953.

CHAPTER 45

An Act to Amend Section 11-1821, Revised Codes of Montana, 1947, as Amended by Section I, Chapter 69 of the Session Laws of the Thirty-second Legislative Assembly, 1951, Relating to Payment of Police Reserves and Providing That, in Any Event, Upon the Death of Any Policeman or Any Officer of Any City or Town, His Surviving Dependent Widow Shall be Paid From the Police Reserves Fund a Sum Equal to One-half the Salary Such Policeman or Officer Was Receiving During a Stipulated Period.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 11-1821 of the Revised Codes of Montana of 1947, as amended by Section 1, Chapter 69 of the Session Laws of the thirty-second legislative assembly, 1951, be, and the same is hereby amended to read as follows:

Payment
of police
reserves.

“11-1821. (5108.5) **Payment of Police Reserves.** (1) Whenever any policeman or officer shall from age or disability become transferred from the active list of the police officers of any city or town to the reserve list of such city or town, he shall thereafter be paid in monthly payments from the funds in this act provided for, a sum equal to one-half ($\frac{1}{2}$) the salary he was receiving during the year prior to the time he passed to the police reserve list.

Payment to
surviving
widow.

“(2) Upon the death of any policeman or any officer of any city or town, his surviving dependent widow, if there be such a surviving widow, shall, as long as she remains his widow, be paid, from the police reserves fund, a sum equal to one-half ($\frac{1}{2}$) the salary such policeman or officer was receiving during the year prior to the time

such policeman or officer passes to the police reserve list. No surviving widow shall be entitled to payments under the provisions of this act if she be fifteen (15) years younger than her husband, unless she shall have been married to and living with her husband for the ten (10) years immediately preceding his death. If such policeman or officer shall leave a dependent minor child, or dependent minor children, then upon the death of such policeman or officer, providing he leaves no surviving widow, or upon the death or remarriage of his widow, or if his widow be fifteen (15) years younger than her husband and shall not have been married to and living with her husband for the ten (10) years immediately preceding his death, then his surviving dependent minor child, or dependent children, collectively, if there be more than one dependent minor child, shall be paid the same monthly payments as are herein provided to be paid to the surviving widow, until such minor child, or minor children, shall have attained the age of eighteen (18) years or shall have married; provided further that the payments herein provided for to be made to the surviving widow and/or children shall not be made if such payments will require an increase in the millage tax levy now provided for by Section 11-1823.

Payment to
dependent
minor
children.

“(3) Payments as herein provided for, to be made to the minor child or children of police officers shall be paid to the duly appointed, qualified and acting guardian of such child or children, for the use of such minor, until such minor shall have reached the age of eighteen (18) years or shall have married and in case there is more than one minor child, upon each such child reaching the age of eighteen (18) years the prorata payments to such child shall cease and shall be made to the remaining minor child or children until the youngest child shall reach the age of eighteen (18) years or shall have married.

Guardian
of minor
children.

“(4) The term ‘policeman’, or ‘police officer’, as herein used shall include all those on the reserve list, as well as ‘active police’, ‘police officer’, and/or ‘patrolman’.”

What
“policeman” or
“police officer”
includes.

Section 2. This act shall be in full force and effect from and after the first day of July, 1953.

Effective
immediately.

Approved February 20, 1953.

CHAPTER 46

An Act to Amend Section 15-801 of the Revised Codes of Montana of 1947, Relative to the Powers of Corporations Heretofore or Hereafter Organized Under Any of the Laws of the State of Montana, Whether Formed and Existing Before or After the Taking Effect of the Codes on July 1, 1895, Authorizing the Furnishing or Granting of Pensions, Insurance, Stock Purchase Options and Profit Sharing to Employees, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 15-801 of the Revised Codes of Montana of 1947, be, and the same is hereby amended to read as follows:

Powers of
corporations
enumerated.

“15-801. (5994) **Powers of Corporations.** Any corporation hereafter organized or now existing under any of the laws of the State of Montana, whether formed and existing before or after the taking effect of the codes on July 1, 1895, as such, has power:

“1. Of succession, by its corporate name, for the period limited in its articles of incorporation;

“2. To sue and be sued, in any court;

“3. To make and use a common seal, and alter same at pleasure;

“4. To purchase, hold and convey such real and personal estate as the purposes of the corporation may require;

“5. To appoint such subordinate officers or agents as the business of the corporation may require, and to allow them suitable compensation;

“6. To make bylaws, not inconsistent with any existing law, for the management of its property, the regulation of its affairs, and for the transfer of its stock;

“7. To enter into any obligations or contracts essential to the transaction of its ordinary affairs, or for the purposes of the corporation;

“8. To create two (2) or more kinds of stock of such classes, with such designation, and with such voting powers,

if any, with any desired limitations and restrictions thereof, as shall be stated in the original or amended articles of incorporation, and, if desired, in one or more series as to any class, and with such designation and description of the manner of issuing, preferences, limitations, restrictions, and other terms and conditions of or on which each class of stock, or series thereof, shall be issued, as shall be described and set forth in the original or amended articles of incorporation, or by resolution of the board of directors of the corporation if delegation of power so to do is set forth in the original or amended articles of incorporation.

“Any such corporation may also, by provision in its original or amended articles of incorporation, deny or limit to the present or future stockholders of any or all classes of stock any pre-emptive or preferential right to subscribe to any or all additional issues of stock of any or all classes, or bonds, debentures or other obligations convertible into stock. Subject to the provisions of the constitution and laws of Montana fixing the required representation and proportion of outstanding capital stock required to be represented and voted, for specified action, at any and all corporate meetings, elections, votes, or consent proceedings, such corporation may, by provision in its original or amended articles of incorporation, fix the proportion of each or any class of stock which shall be required to be represented or voted, for specified action, at any such meeting, election, vote or consent proceeding.

“Any such corporation shall also have power, by provision in its original or amended articles of incorporation, to issue bonds, debentures or other obligations, convertible into stock of any class, in amounts, upon the terms, in the manner and under the conditions provided by resolution of the board of directors. Any such corporation shall also have power, by provision in the original or amended articles of incorporation, or by resolution of the board of directors of the corporation, if delegation of power so to do is set forth in the original or amended articles of incorporation, to make the stock of any class, or series thereof, convertible into stock of any other class or classes, or of any other series of the same or any other class or classes, upon such terms and conditions as shall be expressed in the original or amended articles of incorporation, or in a resolution of the board of directors of the corporation if delegation

of power so to do is set forth in the original or amended articles of incorporation.

“The power to increase or decrease the stock, as in this code elsewhere provided, shall apply to any and all classes of stock; but at no time shall the total amount of the preferred stock exceed two-thirds ($2/3$) of the actual capital paid in cash or property; and such preferred stock, or any series thereof, may, if desired, be made subject to redemption at not less than par, at a price, to be expressed in the stock certificate thereof; and the holders thereof shall be entitled to receive, and the corporation shall be bound to pay thereon, a fixed yearly dividend, if actually earned, to be expressed in the certificate, not exceeding eight per centum (8%) payable quarterly, semiannually, or annually, before any dividend shall be set apart or paid on the common stock, and such dividend may be made cumulative. Unless its original or amended articles of incorporation shall so provide, no corporation shall create preferred stock.

“Before any corporation shall issue any shares of stock of any class, or series thereof, of which the designations, manner of issuing, preferences, limitations, restrictions and other terms and conditions, shall not have been set forth in the articles of incorporation, or in any amendment thereto, but shall be provided for in a resolution or resolutions adopted by the board of directors, pursuant to authority expressly vested in it by the provisions of the articles of incorporation or an amendment thereto, a certificate, setting forth a copy of such resolution or resolutions, shall be made under the seal of the corporation, and signed by the president or vice-president, and by the secretary or an assistant secretary of the corporation, and acknowledged by such president or vice-president before an officer authorized by the laws of Montana to take acknowledgments of deeds, and shall be filed in the office of the county clerk of the county where the original articles of incorporation of such corporation were filed, and a copy thereof, certified by such county clerk, shall be filed in the office of the secretary of state.

“9. To purchase or otherwise acquire, directly or indirectly, any shares of stock issued by it in any and all cases where such corporation may under existing law have

the power to make the purchase or acquisition, including, but without limitation, the following cases:

“(A) For the purpose of collecting or compromising in good faith a debt, claim or controversy with any shareholder;

“(B) From shareholders who by reason of dissent from any proposed corporate action are entitled under sections 15-912 and 15-913 to be paid the value of their shares;

“(C) From one who as an employee, other than as an officer or director, has purchased such shares from the corporation under an agreement reserving to the corporation the option to repurchase or obligating it to repurchase such shares;

“(D) To eliminate fractional shares;

“(E) To redeem or purchase shares subject to redemption at prices not exceeding the redemption price thereof;

“(F) To carry out the provisions of its articles of incorporation authorizing the conversion of its shares; and

“(G) Subject to any limitations contained in its articles of incorporation, out of earned surplus.

“Shares may be acquired either out of stated capital or from any surplus under the above subdivisions (A) to (E), inclusive. Purchases from earned surplus under the above subdivision (G) are not limited to cases authorized under other subdivisions of this section.

“Nothing herein shall in any way limit the powers now existing of a corporation with respect to the purchase or acquisition of its shares of stock, and this act shall be considered as a restatement and reaffirmation of corporate powers heretofore existing in that regard.”

10. (A) *To provide by action of its board of directors for the furnishing or granting to any employee or employees, at the expense of the corporation, insurance against accident, sickness, disability or death, and for the payment of medical expenses and pensions, retirement allowances or gratuities to any employees based on services rendered before, after, or before and after, such plan is adopted, and to their wives or dependents, such pension, allowance*

Directors
may provide
insurance,
pensions,
gratuities.

or gratuity to be payable in such amounts, at such times and upon such conditions, for life or for such shorter period, and to be revocable or irrevocable, as the board of directors of the corporation in its discretion shall determine; and to provide for any such pensions or allowances or insurance the board of directors may establish one or more trust funds. All pension allowances or gratuities heretofore granted or paid by any such corporation shall be as valid as if granted, allowed or paid pursuant to the authority of this act. The term "employees" as used in this act shall be deemed to include officers. Nothing herein contained shall be construed as limiting, modifying or impairing any right, power or authority of a corporation to grant or pay such pensions, allowances or gratuities heretofore possessed by it or now possessed by it under existing law, the intention of this act being cumulative and not restrictive.

Directors
may provide
for employee
stock purchase.

(B) To issue or purchase and sell shares of its capital stock or other securities to any or all of its employees, and to grant rights or options to such employees entitling the holders thereof to purchase from the corporation any shares of its capital stock of any class or classes, or other securities, such rights or options to be evidenced by such instruments as shall be approved by the board of directors of the corporation, all upon such terms and for such time or times, which may be limited or unlimited in duration, at or within which, and the price or prices at which, any such shares may be purchased upon the exercise of any such right or option, as may be fixed in a resolution or resolutions adopted by the board of directors providing for the creation and issue of such rights or options; provided, however, that in case the shares of stock of the corporation to be issued upon the exercise of such rights or options shall be unissued shares having a par value, the price or prices so to be received therefor shall not be less than the par value thereof, and provided further, that in case the shares of stock so to be issued shall be unissued shares of stock without par value, the consideration therefor shall be determined by the board of directors of the corporation, and in the absence of actual fraud in the transaction the judgment of the directors as to the adequacy of the consideration to the corporation for the issuance of any shares of stock or any such rights or options shall be conclusive.

(C) To afford or grant to any employee or employees of the corporation participations in the profits of the corporation or of any branch or division thereof, and to enter into contracts or agreements with employees with respect thereto, and may in connection therewith adopt, amend or repeal from time to time plans therefor, all on such terms and conditions as the board of directors may from time to time determine. Any such participations may be based upon length of service, nature of service, amount of compensation paid or rate of compensation of such employees, or upon such other bases as may be determined by the board of directors, and any such participation may be afforded or granted by the corporation in cash or by the delivery of shares of its capital stock issued by it or purchased or held by it for such purpose; all as may be determined from time to time by the board of directors.

Employee
profit
participations.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 20, 1953.

CHAPTER 47

An Act Prohibiting Employers From Requiring Employees or Applicants for Employment to Pay the Cost of Medical Examinations and Records Thereof as a Condition of Employment and Prescribing Penalties for the Violation Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. It shall be unlawful for any employer to require any employee or applicant for employment to pay the cost of a medical examination or the cost of furnishing any records of such examination as a condition of employment.

Requirement
employee pay
cost of
medical
examination
unlawful.

Section 2. The term "employer" as used in this act shall mean and include an individual, a partnership, an association, a corporation, a legal representative, trustee, receiver, trustee in bankruptcy, and any common carrier by rail, motor, water, air or express company doing business in or operating within the state.

"Employer"
defined.

"Employee"
defined.

Section 3. The term "employee" as used in this act shall mean and include any person who may be permitted, required or directed by any employer, as defined in Section 2, in consideration of direct or indirect gain or profit to engage in any employment.

Penalty.

Section 4. Any employer violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine in any sum not exceeding one hundred dollars (\$100.00) for each such offense.

Approved February 20, 1953.

CHAPTER 48

An Act to Amend Section 5-905 of the Revised Codes of Montana, 1947, to Fix the Amount of Fees to be Paid by Cities and Towns of the State of Montana, for Examinations.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 5-905 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amount of
fees to be
paid by cities
and towns.

"5-905. **Payments by Cities and Towns.** For the credit of the *state general fund* each city and town of the state shall pay to the state treasurer on or before the first day of July of each year, according to its taxable valuation for the preceding year, as follows:

"Cities and towns having a taxable valuation of *fifty thousand dollars (\$50,000.00)* or less, *thirty-five dollars (\$35.00)*;

"Cities and towns having a taxable valuation of from *fifty thousand dollars (\$50,000.00)* to *one hundred thousand dollars (\$100,000.00)*, *forty dollars (\$40.00)*;

"Cities and towns having a taxable valuation of from *one hundred thousand dollars (\$100,000.00)* to *two hundred thousand dollars (\$200,000.00)*, *fifty dollars (\$50.00)*;

"Cities and towns having a taxable valuation of from *two hundred thousand dollars (\$200,000.00)* to *four hun-*

dred thousand dollars (\$400,000.00), sixty-five dollars (\$65.00);

“Cities and towns having a taxable valuation of from four hundred thousand dollars (\$400,000.00) to six hundred thousand dollars (\$600,000.00), eighty dollars (\$80.00);

“Cities and towns having a taxable valuation of from six hundred thousand dollars (\$600,000.00) to eight hundred thousand dollars (\$800,000.00), one hundred dollars (\$100.00);

“Cities and towns having a taxable valuation of from eight hundred thousand dollars (\$800,000.00) to one million dollars (\$1,000,000.00), one hundred twenty-five dollars (\$125.00);”

Cities and towns having a taxable valuation of from one million dollars (\$1,000,000.00) to one million two hundred fifty thousand dollars (\$1,250,000.00), one hundred fifty dollars (\$150.00);

Cities and towns having a taxable valuation of from one million two hundred fifty thousand dollars (\$1,250,000.00) to one million five hundred thousand dollars (\$1,500,000.00), two hundred dollars (\$200.00);

Cities and towns having a taxable valuation of from one million five hundred thousand dollars (\$1,500,000.00) to two million dollars (\$2,000,000.00) two hundred fifty dollars (\$250.00);

Cities and towns having a taxable valuation of from two million dollars (\$2,000,000.00) to three million dollars (\$3,000,000.00), three hundred dollars (\$300.00);

Cities and towns having a taxable valuation of from three million dollars (\$3,000,000.00) to four million dollars (\$4,000,000.00), three hundred fifty dollars (\$350.00);

Cities and towns having a taxable valuation of from four million dollars (\$4,000,000.00) to five million dollars (\$5,000,000.00), four hundred dollars (\$400.00);

Cities and towns having a taxable valuation of more than five million dollars (\$5,000,000.00), shall pay four hundred dollars (\$400.00) plus thirty-five dollars (\$35.00) for each million dollars of taxable valuation or fraction thereof in excess of five million dollars (\$5,000,000.00);

The maximum fee for any city shall be one thousand dollars (\$1,000.00);

The said fees as prescribed shall be paid to the state treasurer regardless of whether or not the state examiner has made an examination of a city or town within the calendar year in which the fee is payable.

Repealing
clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective
date.

Section 3. This act shall be in full force and effect from and after July 1, 1953.

Approved February 20, 1953.

CHAPTER 49

An Act to Amend Section 5-904 of the Revised Codes of Montana, 1947, to Alter the Scale of Payments to be Made to the State Treasurer for Examinations Based Upon Taxable Valuations of County Property.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 5-904 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amount of
fees to be
paid by
counties.

“5-904. **Payments by Counties.** For the credit of the state general fund each county of the state, shall pay to the state treasurer on or before the first day of July of each year, according to its taxable valuation for the preceding year as follows:

“Counties having a taxable valuation of five million dollars (\$5,000,000.00) or less, *three hundred fifty dollars (\$350.00);*

“Counties having a taxable valuation of more than five million dollars (\$5,000,000.00), *shall pay three hundred fifty dollars (\$350.00) plus thirty-five dollars (\$35.00) for each million dollars of taxable valuation or fraction thereof in excess of five million dollars (\$5,000,000.00).”*

The maximum fee for any county shall be one thousand two hundred fifty dollars (\$1,250.00).

The fees as prescribed shall be paid to the state treasurer regardless of whether or not the state examiner has made an examination of a county within the calendar year in which the fee is payable.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing
clause.

Section 3. This act shall be in full force and effect from and after July 1, 1953.

Effective
date.

Approved February 20, 1953.

CHAPTER 50

An Act to Amend Section 5-906 of the Revised Codes of Montana, 1947, to Fix the Scale of Fees for Examinations to be Paid by County Free High Schools on the Basis of Student Registration.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5-906 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending
clause.

“5-906. **Payments by County Free High Schools.** For the credit of the *state general fund*, each county free high school shall pay to the state treasurer on or before the first day of July of each year a fee *according to the following rates*:

Rates of fees
to be paid
by county
free high
schools.

County free high schools having a maximum attendance record as shown in the records of the office of the state superintendent of public instruction, according to the following schedule:

All county free high schools having an attendance of two hundred (200) or less, twenty-five dollars (\$25.00);

All county free high schools having an attendance in excess of two hundred (200) and not exceeding three hundred (300), thirty-five dollars (\$35.00);

All county free high schools having an attendance in excess of three hundred (300) and not exceeding four hundred (400), fifty dollars (\$50.00);

All county free high schools having an attendance in excess of four hundred (400) and not exceeding six hundred (600), sixty dollars (\$60.00);

All county free high schools having an attendance in excess of six hundred (600) and not exceeding one thousand (1000), seventy-five dollars (\$75.00);

All county free high schools having an attendance in excess of one thousand (1000) and not exceeding fifteen hundred (1500), one hundred dollars (\$100.00);

All county free high schools having an attendance in excess of fifteen hundred (1500), one hundred fifty dollars (\$150.00).

The fees as prescribed shall be paid to the state treasurer regardless of whether or not the state examiner has made an examination of a county free high school within the calendar year in which the fee is payable.

That the fees for examining auxiliary funds of a county free high school, when requested by the trustees of the said high school, or deemed necessary by the state examiner, shall be based on the fees as set forth in Section 5-910 of the Revised Codes of Montana, 1947."

Repealing
clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective
date.

Section 3. This act shall be in full force and effect from and after July 1st, 1953.

Approved February 20, 1953.

CHAPTER 51

An Act to Amend Section 25-306 of the Revised Codes of Montana of 1947, as Amended by Chapter 175 of the Session Laws of Montana, 1949, Relating to Salaries of Justices of the Peace in Certain Townships and Providing for an Increase in Such Salaries.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 25-306 of the Revised Codes of Montana, 1947, as amended by Chapter 175 of the Session Laws of Montana, 1949, be, and the same is hereby amended to read as follows:

“25-306. (4929) **Salaries of Justices of the Peace in Certain Townships — Hours — and Quarters.** Justices of the peace in townships having a population of ten thousand (10,000) people and not exceeding fifteen thousand (15,000) people shall each receive a salary of *two thousand two hundred dollars* (\$2,200.00) per annum, payable monthly from the county treasury; justices of the peace in townships having a population of more than fifteen thousand (15,000) people and not exceeding *eighteen thousand* (18,000) people shall each receive a salary of *two thousand four hundred dollars* (\$2,400.00), payable monthly from the county treasury; justices of the peace in townships having a population of more than *eighteen thousand* (18,000) people and *not more than twenty-two thousand* (22,000) people, shall each receive a salary of *two thousand nine hundred dollars* (\$2,900.00), payable monthly from the county treasury; *justices of the peace in townships having a population of more than twenty-two thousand people shall each receive a salary of three thousand two hundred dollars* (\$3,200.00), payable monthly from the county treasury; and justices of the peace in such townships shall receive no other additional fees or compensation whatever, except that they may receive and keep those fees designated as ‘miscellaneous fees’ by section 4927 of this code; justices of the peace in townships having a population of less than ten thousand (10,000) people shall receive the fees and emoluments provided under existing laws; justices of the peace in townships having a population of ten thousand (10,000) people and upwards shall keep their offices open for business from 9 o’clock A. M. to 12 o’clock M., and from 1 o’clock P. M. to 5 o’clock P. M. on all judicial days, and at such other hours on judicial days as they may desire; providing, however, the office may be closed from one o’clock P. M. to five o’clock P. M. on Saturdays and such justices shall occupy such quarters as may be furnished and selected for them by the board of county commissioners, and said board may, in its discretion select suitable quarters for such *justices* and may, in its discretion, pay for same from moneys in the county treasury.”

Salaries, hours and quarters of justices of the peace in certain townships.

Section 2. That all acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved February 20, 1953.

CHAPTER 52

An Act Validating Sales of Carey Act Lands and Water Rights Appurtenant Thereto, or of Carey Act Lands and Water Rights Appurtenant Thereto and Other Lands and Water Rights Appurtenant Thereto, Made Prior to January 1, 1943, Under Judgment or Decree of Foreclosure.

Be it enacted by the Legislative Assembly of the State of Montana:

Sales Carey
act lands and
water rights
prior to
Jan. 1, 1943
validated.

Proviso.

Section 1. All sales of Carey act land and water rights appurtenant thereto or of Carey act lands and water rights and other lands and water rights appurtenant thereto made under judgment or decree of foreclosure previous to January 1, 1943, and after the State of Montana had been paid the sums due to it for such Carey act lands (provided no action is now pending in the court which rendered the judgment or decree to set such judgment, decree or sale aside) shall be valid and sufficient in law to sustain a sheriff's deed executed prior to January 1, 1943, and based on such sale; and such deed shall be sufficient to convey all the title of the judgment debtor at the time of such sale in the land and water rights appurtenant thereto so sold to the purchaser, including the lien holder if the lien holder became the purchaser at the sale; and all defects or irregularities in the issuance of the order of sale or execution or in the manner of advertising, making or conducting the sale or in the number of publications of the notice of sale, or in the recitals or references in such deed, shall be disregarded and all such sales are hereby validated.

Repealing
clause.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Effective
immediately.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 20, 1953.

CHAPTER 53

An Act Validating Patents Heretofore Issued by the State of Montana Under the Carey Act to Any Entryman or to Any Person, Company of Persons, Association or In-

corporated Company, Including the Lien Holder Whoever He, They or It May Be, Who Had Prior to the Issuance of Patent Purchased Such Land at Sheriff's Sale and Who Had Acquired Sheriff's Deed Therefor or Who Had Acquired the Land by Conveyance From the Entryman (in Lieu of Foreclosure), and Providing That Such Patent Shall be Conclusive Evidence That All Requirements Under the Carey Act Have Been Performed by a Bona Fide Carey Act Entryman Prior to the Issuance of Patent.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. All patents heretofore issued by the State of Montana under the Carey act to any entryman or to any person, company of persons, association or incorporated company, including the lien holder, whoever he, they or it may be, who had prior to the issuance of patent purchased said land (and appurtenant water rights) at sheriff's sale on execution or at any sale under judgment or decree of foreclosure, and who had acquired sheriff's deed therefor, or who had acquired the land (and appurtenant water rights) by conveyance from the entryman (in lieu of foreclosure) are hereby declared to be valid, and to be conclusive evidence that the requirements, residence, cultivation and all requirements of the Carey act, have been performed by a bona fide Carey act entryman prior to the issuance of patent.

Carey act
patents
heretofore
issued are
conclusive
evidence of
performance of
requirements.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing
clause.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Effective
immediately.

Approved February 20, 1953.

CHAPTER 54

An Act to Amend Section 11-1825, Revised Codes of Montana, 1947, Said Act Being Known as the "Metropolitan Police Law" Raising the Amount of Contribution by Police Officers to the Fund Created by Said Act From One and One-half Per Centum (1½%) to Three Per Centum (3%) of the Monthly Compensation of Such

Police Officers; Repealing All Acts or Parts or Acts in Conflict Therewith, and Providing for the Effective Date of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 11-1825 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amount of
salary
deduction
for payment
police reserves.

“11-1825 (5108.9) **Salary Deduction for Payment of Reserve Officers.** The treasurer of any incorporated city which may be hereafter subject to the provisions of this act, shall retain from the monthly salary of all police officers upon the active list, a sum equal to *three per centum (3%)* of the monthly compensation paid each officer for his services as such police officer, the said monthly deduction from the salaries of such police officers, shall be paid into the fund created by the tax levy for the purpose of paying the salaries of police officers upon the reserve list.”

Repealing
clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective
date.

Section 3. This act shall be in full force and effect from and after the first day of July, 1953.

Approved February 20, 1953.

CHAPTER 55

An Act to Amend Section 23-1006, Revised Codes of Montana, 1947, Relating to Time of State Party Conventions in Presidential Election Years, to Provide Optional Time for Holding Said Conventions.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 23-1006 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Time of
holding
state party
conventions.

“Section 23-1006. **Time of State Convention — Election of Presidential Electors and Delegates to National Conventions.** *Not later than fifteen (15) days after said county convention, and on a date set by the chairman of the state central committee, the delegates (or alternate dele-*

gates in case any elected delegates can not attend) shall hold a state convention at the seat of government for the purpose of electing delegates and alternates to the national convention of the party, and presidential electors.”

Approved February 20, 1953.

CHAPTER 56

An Act to Amend Section 91-1001 of the Revised Codes of Montana, 1947, Relating to Probate of Foreign Wills; to Provide That No Will of a Resident of the State of Montana Leaving Property in Montana May be Proved as a Foreign Will; Repealing All Acts and Parts of Acts in Conflict Therewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 91-1001 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending clause.

“91-1001. **Wills Proved in Other States to be Recorded, When and Where.** All wills duly proved and allowed in any other of the United States, or in any foreign country or state, may be allowed and recorded in the district court of any county in which the testator shall have left any estate, *provided however, that the primary probate of any will of any testator who, at the time of his death, was a resident of Montana and left estate therein, must be had in the county of his residence in this state, and may not be proved and admitted as a foreign will.*”

Recording of wills proved in other states.

Provided, resident's will not admissible as foreign will.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Effective immediately.

Approved February 20, 1953.

CHAPTER 57

An Act to Repeal Chapter 44 of the Session Laws of Montana of 1951, Relating to the Recording by City, Town

and County Clerks of Notice of Proceedings for the Installation of Special Improvements.

Be it enacted by the Legislative Assembly of the State of Montana:

Repealing
Chapter 44,
Laws 1951.

Section 1. That Chapter 44 of the Session Laws of Montana of 1951, and the whole thereof, be, and the same is hereby in all respects repealed.

Effective
immediately.

Section 2. This act shall be in full force and effect from and after its passage and approval.

Approved February 20, 1953.

CHAPTER 58

An Act to Amend Section 5-910 of the Revised Codes of Montana, 1947, Relating to the Special Examinations and the Fees for Same and for the Raising of Said Fee and Making State Per Diem Regulations Applicable to Said Examinations.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 5-910 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Special
examinations
and fee
therefor.

“5-910. (6014.84) **Special Examinations and Fees.** Special examinations may be made of any county, city, town, school district, irrigation district, high school, bank, building and loan association or any other office, board or commission, whether temporary or permanent, however created, and for whatever purpose, having the control, management, collection or disbursement of any public money of any character or description, when in the judgment of the state examiner it shall be deemed necessary, and such special examinations shall be charged for at the rate of *thirty dollars (\$30.00) a day for each person engaged in the examination plus the necessary transportation expenses and per diem at the rate currently in effect for all state and county employees.* All special examination fees or charges so collected by the state examiner and ex officio superintendent of banks and paid to the state treasurer, shall be placed in a special fund to be known as the special examination fund to be drawn upon by the state

examiner and ex officio superintendent of banks to defray the actual costs and expenses of such special examinations, but all moneys remaining in such special fund at the end of each current year shall be transferred by the state treasurer to the general fund.

“In any case where the current examination shall not have been made prior to the first day of July of any year, the above fees must be paid as herein specified, provided, however, that all examinations shall cover the entire period from the date of the last examination.”

Section 2. All other acts and parts of acts in conflict herewith are hereby repealed.

Repealing
clause.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Effective
immediately.

Approved February 20, 1953.

CHAPTER 59

An Act to Amend Section 5-908 of the Revised Codes of Montana, 1947, Relating to Payments by Banks, Investment and Trust Companies to the State Treasurer for Purposes of a Just Distribution of the Expenses of Examination for the Purpose of Increasing the Amounts of the Annual Payments and Basing the Amount Thereof Upon Assets Instead of Capital Stock.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5-908 (6014.82) of the Revised Codes of Montana, 1947, be, and the same hereby is amended to read as follows:

Amending
clause.

“5-908. (6014.82) **Payments by Banks, Investment and Trust Companies.** For the credit of said fund, each bank, trust company or investment company, under the supervision of the superintendent of banks, shall pay to the state treasurer, on or before the first day of July of each year, a fee, *based upon its total assets as shown by the statement to the superintendent of banks on the last call report of the preceding year*, according to the following rates:

Rate of
payment
by banks,
investment
and trust
companies,
based on
assets.

“All banks, investment and trust companies, having total assets up to thirty million dollars (\$30,000,000.00) shall pay five cents (5¢) per thousand dollars of assets. In no case shall any bank pay less than one hundred dollars (\$100.00) nor more than twelve hundred dollars (\$1200.00) where their total assets are less than thirty million dollars (\$30,000,000.00).

“Any bank, investment or trust company having total assets in excess of thirty million dollars (\$30,000,000.00) shall pay a flat two cents (2¢) for each thousand dollars of assets above thirty million dollars (\$30,000,000.00), in addition to the maximum of twelve hundred dollars (\$1200.00) as set out in the above paragraph.”

Approved February 20, 1953.

CHAPTER 60

An Act to Amend Section 23-1307 of the Revised Codes of Montana, 1947, Relating to Voting by Absent Electors, and Providing for Marking and Swearing to Ballot by Electors.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 23-1307 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Procedure
and swearing
of absent
ballots.

“23-1307. (721) Marking and Swearing to Ballot by Elector. Such voter shall make and subscribe the said affidavit before an officer authorized by law to administer oaths, and who has an official seal, and may do so at any place in the State of Montana, or in any other state or territory of the United States, before any officer authorized by the laws of this state to take acknowledgments of instruments without the state, and such voter shall thereupon, in the presence of such officer and of no other person, mark such ballot or ballots, but in such manner that such officer cannot see the vote, and such ballot or ballots thereupon, in the presence of such officer, shall be folded by such voter so that each ballot shall be separate, and so as to conceal the vote, and shall be, in the presence of such officer, placed in such envelope securely

sealed. Said officer shall thereupon append his signature and official title and affix his seal at the end of said jurat and affidavit. Said envelope shall be mailed by such absent or physically incapacitated voter, postage prepaid, or delivered to the county or city or town clerk, as the case may be.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing
clause.

Approved February 20, 1953.

CHAPTER 61

An Act Providing Drivers of Other Vehicles to Stop Until Children Alight From or Board a School Bus, and Providing a Penalty for Violation Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The driver of a vehicle, when approaching the front or rear of a school bus that has come to a stop on a highway outside the limits of an incorporated city or town, and is receiving or discharging school children, shall stop such vehicle not less than ten feet from such school bus and keep said vehicle stationary until such children have entered such school bus or have alighted and reached the nearest adjacent side of the highway.

Approaching
vehicles must
stop when
children
boarding or
leaving
school bus.

Section 2. **Penalty.** Every person who shall fail to comply with or who shall violate this act shall, upon conviction thereof, be deemed guilty of a misdemeanor, and shall be punished by fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00), or by imprisonment in the county jail for not more than thirty days, or by both such fine or imprisonment.

Penalty.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing
clause.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Effective
immediately.

Approved February 20, 1953.

CHAPTER 62

An Act to Amend Section 91-4421 of the Revised Codes of Montana of 1947, Relating to Payment of Tax on Transfer of Securities by Foreign Representative of Non-resident Decedents.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 91-4421 of the Revised Codes of Montana of 1947, be, and the same is hereby amended to read as follows:

Tax payable
on transfer
of certain
securities
by foreign
representative.

“91-4421 (10400.11) **Payment of Tax on Transfer of Securities by Foreign Representative — Duty of Holder of Securities or Assets of Nonresident Decedent — Apportionment of Deductions — Information to be Given Board of Equalization — Amount of Tax to be Retained on Delivery of Assets — Penalties.** (1) If a foreign executor, administrator, or trustee shall assign or transfer any stocks, bonds, mortgages, or other securities, in this state, or within the jurisdiction of this state, standing in the name of a decedent or in trust for a decedent, liable to any such tax, the tax shall be paid to the treasurer of the proper county or the state treasurer on the transfer thereof; otherwise the corporation permitting such transfer shall become liable to pay such tax.

Board of
equalization
to be notified
prior to
transfer.

“(2) No safe deposit company, bank, or other institution, person or persons, holding securities or assets of a non-resident decedent, nor any corporation organized under the laws of this state, in which a nonresident decedent held stock, bonds, mortgages, or other securities, at his decease, shall deliver or transfer the same to the executors, administrators or legal representatives of said decedent, or upon their order or request, unless notice of the time and place of such intended transfer be served upon the state board of equalization at least ten (10) days prior to the said transfer; nor shall any such safe deposit company, bank, or other institution, person or persons, nor any corporation, deliver or transfer any securities or assets of the estate of a nonresident decedent without retaining a sufficient portion or amount thereof to pay any tax which may thereafter be assessed on account of the transfer of such securities or assets under the provisions of the inheritance

tax laws, without an order from the proper court authorizing such transfer; and it shall be lawful for the state board of equalization, personally or by representative, to examine said securities or assets at any time before such delivery or transfer. Failure to serve such notice or to allow such examination or to retain a sufficient portion or amount to pay such tax as herein provided, shall render said safe deposit company, trust company, bank, or other institution, person or persons, or such corporation, liable to the payment of the tax due upon said securities or assets in pursuance of the provisions of the inheritance tax laws. The state board of equalization may issue a certificate authorizing the transfer of any such stock, securities or assets whenever it appears to the satisfaction of the said board that no tax is due thereon; *provided, however, that the foregoing provisions shall not apply to shares of stock in any Montana corporation held by a nonresident of Montana at the time of his death whose death occurred on or after January 30, 1945, and who was at the time of his death domiciled in any other district or state of the United States, provided reciprocal rights are granted by such district or state of domicile similar to Section 91-4413, Revised Codes of Montana, 1947, and in such event this subsection (2) shall not apply to the transfer of stocks, bonds, mortgages or other securities exempt from taxation under the provisions of Section 91-4413, and a Montana corporation, or its agent, may transfer stocks, bonds, mortgages and other securities without any liability for the tax imposed under the provisions of the inheritance tax laws where there are reciprocal rights as set forth in Section 91-4413, and in such event no application for consent to transfer such stock need be made to the state board of equalization of the State of Montana, and the corporation, or its duly authorized transfer agent may transfer such shares of stock upon its books without any such application or consent to transfer.*

Proviso,
section does
not apply
where resident
of state
granting
reciprocity.
Retrospective
to Jan. 30, 1945.

“(3) Whenever a tax may be due from the estate, or the beneficiaries therein, of any resident or nonresident decedent upon the transfer of any property, when the property or the estate left by such decedent is partly within and partly without this state, or upon any stocks, bonds, mortgages, or other securities representing property or estate partly within and partly without this state, any

Apportionment
of
administrative
costs where
part of estate
is outside
Montana.

beneficiary of such estate shall be entitled to deduct only his proper proportion of that portion of the total debts and expenses of administration which the gross estate in Montana or within its jurisdiction bears to the gross estate both within and without this state, but no deduction shall be made for any federal estate, inheritance, succession or transfer taxes paid to the United States. As to his Montana exemption, each beneficiary shall be entitled to deduct only that portion represented by the ratio between his interest in the property in this state or within its jurisdiction and his interest in the entire estate.

Board of
equalization
to make rules,
regulations
and require
reports.

“(4) The state board of equalization shall require such reports and information and shall make such orders, rules, and regulations as it may deem necessary to enable the said board to secure the necessary information from domestic corporations, and to ascertain the amount of and collect such tax; and no holding company or other corporation subject to the provisions of this section shall deliver or transfer any such stocks, bonds, mortgages, or other securities of a Montana corporation without retaining a sufficient portion thereof to pay any tax which may thereafter be assessed under the provisions of this act on account of such transfer, except upon order of the proper court or a certificate of consent of the state board of equalization.

Penalty.

“(5) Any corporation or holding company violating the provisions of this section shall be liable to the state for the amount of the tax together with a penalty of ten per centum (10%) thereof.”

Repealing
clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective
immediately.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 20, 1953.

CHAPTER 63

An Act Providing for the Regulation of the Business or Industry of Treating Garbage for Feeding to Swine or Other Animals and of Feeding Garbage to Swine or Other Animals; Providing for Licensing of 'Garbage

Feeders', as That Term is Defined Herein; Payment of License Fees Collected Hereunder Into the General Fund of the State of Montana; Promulgation by the Livestock Sanitary Board of Reasonable Rules and Regulations and Orders and the Scope Thereof; Empowering Representatives of the Livestock Sanitary Board to Enter Upon Private or Public Property to Inspect and Investigate Certain Conditions and Empowering Said Board to Require Maintenance of Certain Records; Providing for Restraint of the Operation of Any Garbage Feeder by the Livestock Sanitary Board or Its Agent, With Notice, Except Where a Menace to Public or Animal Health Requires Immediate and Summary Abatement; Providing for Revocation of Licenses by the Livestock Sanitary Board or the State Veterinary Surgeon; Providing Methods of Appeal From Both Restraining Orders and Revocations and for Hearing by the District Court; Empowering the Livestock Sanitary Board or Its Agent to Administer Oaths, Subpoena Witnesses, and Receive Evidence in Order to Carry Out the Provisions of This Act; Prescribing a Standard for Cooking Garbage; Prohibiting the Treating or Feeding of Garbage Removed From or Originating on Airplanes; Exempting From the Application of This Act Persons Who Feed Only Their Own Household Garbage to Swine or Other Animals; Providing Penalties for Violation of This Act; Providing That If Any Part of This Act is Adjudged Invalid, Inoperative, or Unconstitutional, Such Decision Shall Not Affect, Impair, or Invalidate the Remaining Portions of This Act; Providing for the Repeal of All Acts and Parts of Acts in Conflict Herewith; and Providing This Act Shall Be in Full Force and Effect From and After Its Passage and Approval.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. **Definitions When Used in This Act.** (a) "Garbage" means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of foods, including animal carcasses or parts thereof. (b) "Person" means the state, any municipality, political subdivision, school district, institution, public or private corporation, individual, partnership, or other entity. (c) "Garbage feeder" means a person who handles, pre-

Definitions.

pares, cooks, or otherwise treats garbage to feed to swine or other animals, as well as a person who feeds garbage to swine or other animals.

Licenses
required, fee.

Section 2. **Licenses.** (a) It shall be unlawful for any person to handle, prepare, cook or otherwise treat garbage to feed to swine or other animals, or to feed garbage to swine or other animals, without first securing a license therefor from the livestock sanitary board, provided, however, that one license, issued to the entrepreneur, corporation or individual responsible for a particular garbage feeding enterprise shall cover all garbage feeders concerned with the enterprise. The license herein provided shall expire on the last day of December of the current year in which it is issued. A license fee of five dollars (\$5.00) shall be charged for all licenses issued under the provisions of this act. All license fees collected shall be paid into the general fund of the State of Montana. (b) This act shall not apply to any person who feeds only his own household garbage to swine or other animals.

Application
for license.

Section 3. **Applications for Licenses.** Any person desiring to obtain a license to feed garbage to swine or other animals shall make written application therefor to the livestock sanitary board in accordance with the rules, regulations or orders prescribed by said board applying to such applications.

Livestock
sanitary
board,
regulatory
powers.

Section 4. **Power and Authority of Livestock Sanitary Board to Promulgate and Enforce Reasonable Rules and Regulations.** The livestock sanitary board is hereby charged with administration and enforcement of the provisions of this act, and is hereby authorized and empowered to promulgate and enforce such reasonable rules, regulations or orders as said board may deem necessary or proper for the supervision, control and inspection of persons who handle, prepare, cook, or otherwise treat garbage to feed to swine or other animals or who feed garbage to swine or other animals. Such rules, regulations or orders shall apply to and govern the method of applying for a license, standards and methods of operation, sanitary conditions of premises where garbage is treated for feeding or fed, the control and inspection of any and all equipment used to store, treat, or feed garbage and any and all equipment, including all vehicles, used for the transportation of garbage.

Section 5. **Entry of Premises for Inspection; Keeping of Records.** (a) Any authorized representative of the livestock sanitary board shall have the power, and is hereby authorized, to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the treating of garbage to be fed to swine or other animals or the feeding of garbage to swine or other animals. (b) Any authorized representative of the livestock sanitary board may examine any records or memoranda pertaining to the treatment or feeding of garbage to swine or other animals. The livestock sanitary board may require maintenance of such records as it determines in its discretion to be necessary, relating to the operation of equipment for and procedure of treating or feeding garbage to swine or other animals, and may require copies of such records to be submitted to the said board periodically.

Power to
inspect
premises
and records.

Section 6. **Power of Sanitary Board to Restrain Operation of Garbage Feeder.** The livestock sanitary board or its authorized agent is hereby authorized and empowered to restrain the operation of any licensed garbage feeder whose operation is carried on in violation of the laws of Montana or the rules, regulations, or orders of the livestock sanitary board, after a hearing held on five (5) days' written notice of such hearing to the licensee. Provided, however, such restraining order may be issued without notice of hearing where, in the discretion of the livestock sanitary board or its agent, the violation constitutes a menace to public or animal health requiring immediate and summary abatement. Such licensee shall have the right of appeal to the district court, upon giving written notice of appeal to the restraining authority within ten (10) days after service of the restraining order, whether such order be made upon hearing or summarily. Such written notice of appeal shall not stay execution of the restraining order when such restraining order is issued without hearing to restrain a menace to public health requiring immediate and summary abatement. Where the restraining order is issued after hearing, the hearing before the district court shall be upon the record, together with any other or additional evidence which may be adduced. Where the order is issued without hearing, the hearing before the district court shall be upon evidence adduced thereat. Where the appeal is

Power to
restrain
operations.

Notice
and hearing.

Appeal.

from an order issued after hearing, appellant shall pay the costs of the transcript, which must be filed not more than thirty (30) days from the date of filing notice of appeal, provided, however, the court may extend the time for filing the transcript in its discretion. Such cost of transcript shall be paid to such appellant in the same manner as other court costs if such appellant ultimately prevails in such appeal.

Revocation
of license.

Notice
and hearing.

Appeal.

Section 7. Power of Sanitary Board to Revoke License of Garbage Feeder. Such licenses to feed garbage to swine or other animals may be revoked, at any time by the livestock sanitary board or the state veterinary surgeon when they, or he, shall determine that a person to whom the license is issued has failed to comply with any statute of the State of Montana, or any rules, regulations or orders of the livestock sanitary board, and upon hearing before the revoking authority, after ten (10) days' written notice. Such licensee shall have the right of appeal to the district court, upon giving written notice of appeal to the revoking authority within ten (10) days after service of the order of the revoking authority. Service and filing of such notice of appeal shall stay execution of the order. The hearing before the district court shall be upon the record together with any other or additional evidence which may be adduced. Appellant shall pay the costs of the transcript, which must be filed not more than thirty (30) days from the date of filing notice of appeal, provided, however, the court may extend the time for filing the transcript, in its discretion. Such cost of transcript shall be paid to such appellant in the same manner as other court costs if such appellant ultimately prevails in such appeal.

Power to
administer
oaths,
subpoena
witnesses,
receive
evidence.

Section 8. Power to Administer Oaths, Subpoena Witnesses, and Receive Evidence. Hearings held under this act, for either revocation of licenses or to restrain operation, shall be held by the livestock sanitary board or its duly authorized agent; and the livestock sanitary board or its agent is hereby authorized to administer oaths, subpoena witnesses, and receive evidence in order to carry out the provisions of this act.

Garbage to
be cooked or
otherwise
treated
before
feeding.

Section 9. Cooking or Other Treatment of Garbage. All garbage, regardless of previous processing, shall, before being fed to swine or other animals, be thoroughly heated

to at least 212°F. for at least thirty (30) minutes, unless treated in some other manner which shall be approved in writing by the livestock sanitary board as being equally effective for the protection of public and animal health.

Section 10. Garbage Originating On or Removed From Airplanes Shall Not Be Treated or Fed. No garbage originating on or removed from airplanes landing within the State of Montana shall be treated for feeding or be fed to swine or other animals. The powers granted in section 5 of this act to representatives of the livestock sanitary board to enter upon private or public property for the purpose of inspecting and investigating conditions relating to the treating of garbage to be fed to swine or other animals or the feeding of garbage to swine or other animals are hereby specifically declared to extend to and include the inspection and investigation of garbage disposal methods employed at airports and all facilities thereon and aircraft.

Feeding
garbage
originating
from airplane
forbidden.

Section 11. Penalties. Any person who shall violate any of the provisions of, or who fails to perform any duty imposed by this act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than two hundred fifty dollars (\$250.00), or by imprisonment for a term of not more than six (6) months, or by both such fine and imprisonment. In addition thereto, such person may be enjoined from continuing such violation. Each day upon which such violation occurs shall constitute a separate violation.

Penalties.

Section 12. If any clause, sentence, paragraph, section, subdivision, or part of this act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, inoperative, or unconstitutional, such decision shall not affect, impair, or invalidate the remaining portions of this act, but shall be confined in its operation to the clause, sentence, paragraph, section, subdivision, or part directly adjudged to be invalid, inoperative, or unconstitutional.

Severability.

Section 13. All acts or parts of acts in conflict herewith are hereby repealed.

Repealing
clause.

Section 14. This act shall be in full force and effect from and after its passage and approval.

Effective
immediately.

Approved February 20, 1953.

CHAPTER 64

An Act to Amend Section 59-524, Revised Codes of Montana, 1947, as Last Amended by Chapter 7 of the Laws of Montana, 1951, by Providing That the Expenses Allowed to State Officers and Employees for Traveling Within the State of Montana Shall be Limited to Not More Than Seven Dollars (\$7.00) Per Day and by Providing That the Expenses Allowed to State Officers and Employees for Traveling Without the State of Montana Shall be Limited to Not More Than Ten Dollars (\$10.00) per Day, Providing for the Repeal of All Acts and Parts of Acts in Conflict Herewith, and Providing That the Act Shall be in Full Force and Effect From and After Its Passage and Approval.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 59-524, Revised Codes of Montana, 1947, as amended by Chapter 17 of the Laws of Montana, 1949, and as last amended by Chapter 7, Laws of Montana, 1951, be, and the same is hereby amended to read as follows:

Expenses
of persons
in state
service.

“59-524. **Expenses of Persons in State Service — Statements — Limitations.** Every person engaged in any service in every department of state, inclusive of persons in appointive positions or positions created by law, whose duties consist of full or partial time in traveling to perform any service for the state under monthly or yearly salary, or who may be sent by any authorized executive of any department of the state upon a mission in performance of any clerical work, investigating, reporting, examining, educational service, demonstration work, supervisory or extension work or otherwise of every kind and character, shall make an itemized statement tersely stating in what capacity engaged each day while away from the department in which said daily duties may arise and the expenses incurred daily and shall render to the board of examiners the said itemized statement, and at the end of each month, or if sooner required by said board, the said person so engaged shall render a total or recapitulation account thereof in a form to be prescribed by said board; provided, that in all cases such expenses other than railroad fare, bus fare, or automobile hire shall be limited to not more than

seven dollars (\$7.00) per day; provided, however, that such persons while engaged on official business outside the State of Montana, shall be allowed such actual expenses as in the judgment of the board of examiners are reasonable in an amount not to exceed *ten* dollars (\$10.00) per day; provided further, that the provisions of this act shall not apply to persons holding offices specifically provided for in Section 93-305, or Section 93-313, Revised Codes of Montana, 1947."

Out-of-state
expenses.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing
clause.

Approved February 25, 1953.

CHAPTER 65

An Act to Amend Section 94-7823, Revised Codes of Montana, 1947, Relating to Persons Not Entitled to Probation.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 94-7823 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending
clause.

"94-7823. **Persons Not Entitled to Probation.** No person convicted of murder, arson, burglary of an inhabited dwelling house, incest, sodomy, rape without consent, assault with intent to rape, administering poison, *selling, bartering, exchanging, distributing or giving away any narcotic drug* shall have the benefit of probation; provided, however, that in convictions of rape where the female is under the age of eighteen years, but over sixteen years of age, where previous unchaste conduct of the female is shown, the court may, in its discretion, suspend sentence as provided in section 94-7821."

Persons
not entitled
to probation.

Dealer in
narcotics.

Section 2. This act shall be in full force and effect from and after its passage and approval.

Effective
immediately.

Approved February 25, 1953.

CHAPTER 66

An Act to Amend Section 84-3201 of the Revised Codes of Montana, 1947, Relating to Licenses; and Providing,

Among Other Things, for the Procuring of a License to Operate Circuses, Side Shows, Carnivals, Menageries, Wild West Shows, and Tent Shows for Private Gain, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 84-3201 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Licenses for
certain
purposes—fees.

“84-3201. (2434) **Billiard Tables — Pawnbrokers — Theaters — Intelligence Offices — Shooting Gallery.** License must be obtained for the purposes hereinafter named, for which the county treasurer must require payment as follows:

Billiard, pool,
or bagatelle
table.

“1. Each proprietor of a billiard, pool, or bagatelle table not kept exclusively for family use, for each table three dollars and seventy cents (\$3.70) per quarter; and for a bowling alley, five dollars (\$5.00) per quarter for each alley; but no license must be granted for a term less than three months.

Theaters.

“2. The manager or lessee of every theater (not a variety or concert theater) one hundred dollars (\$100.00) per annum; except that in towns of a population of three thousand five hundred or less, in cases where no monthly license is paid, a license of two dollars (\$2.00) for each single performance must be paid; for each single exhibition of opera or concert singer (not exhibited in any theater where a yearly license is paid), three dollars (\$3.00); for minstrels, legerdemain, or shows not herein provided for, five dollars (\$5.00) for each single performance (when not in a theater where a yearly license is paid); for each variety or concert theater, whether an admittance fee is charged or not, seventy-five dollars (\$75.00) per month; *for every traveling show exhibiting in tents, open air or other than a regular theatre, such as circuses, menageries, side shows, carnivals, wild west shows, animal shows or tent shows, traveling in less than twenty-five (25) railroad cars, seventy-five dollars (\$75.00) per day, over twenty-five (25) railroad cars, two hundred dollars (\$200.00) per day, traveling on highways in ten (10) trucks or less, twenty-five dollars (\$25.00) per day, eleven (11) to twenty-*

Traveling
shows.

five (25) trucks, fifty dollars (\$50.00) per day, more than twenty-five (25) trucks, seventy-five dollars (\$75.00) per day; but no license must be collected from any amateur exhibition or concert for school or charitable or religious purposes, from any county, district or state agricultural fairs, rodeo associations, or from any veterans' organizations not conducted for private gain.

"Provided the county treasurer shall not issue any license for circuses, side shows, carnivals, menageries, wild west shows, animal shows or tent shows to be held or performed within a period of thirty days just prior to or during the holding of any local, county, district or state fair or rodeo without first obtaining the written consent of the board of county commissioners of the county where application is made for such licenses to operate such shows.

Proviso.

"3. For each pawnbroker, fifty-five dollars (\$55.00) per quarter.

Pawn broker.

"4. For each keeper of an intelligence office, ten dollars (\$10.00) per quarter.

Intelligence office.

"5. For each keeper of a shooting gallery, for gain, fifteen dollars (\$15.00) per quarter."

Shooting gallery.

"6. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved February 25, 1953.

CHAPTER 67

An Act to Amend Section 11-1923 of the Revised Codes of Montana, 1947, as Previously Amended by Chapter 39 of the Session Laws of 1949, Relating to the Schedule of Fees to be Paid to the State Treasurer for Examinations of the Accounts of the Fire Department Relief Association.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 11-1923 of the Revised Codes of Montana, 1947, as previously amended by Chapter 39 of the Session Laws of 1949, be, and the same is hereby amended to read as follows:

Amending clause.

Annual report
of fire depart-
ment relief
association.

“11-1923. (5130) **Annual Report of the Secretary and Treasurer, Prescribing Qualifications for Membership, Official Bond of the Treasurer and Examination of Books and Accounts.** (1) The secretary and treasurer of every fire department relief association so formed shall annually prepare a detailed report of its receipts and expenditures for the preceding year, showing to whom and for what purposes the money has been paid and expended, and file it with the association, and a duplicate with the state auditor. No money shall be paid to the treasurer of such fire department relief association until such report is so filed. No one serving as a substitute or on probation, nor any person who has not been confirmed a member of an organized fire department is eligible for membership in the relief association. No treasurer of any such association shall enter upon his duties until he has given to the association a good and sufficient bond of not less than fifty per cent (50%) of the amount of the cash funds and securities of the association, for the faithful performance of his duties according to law, the amount of such bond to be approved and paid for by such association. Provided, however, that in no case shall such official bond be in excess of the amount of twenty-five thousand dollars (\$25,000.00).

Qualifications
for
membership.

Bond of
treasurer.

“(2) Provided further, that upon a majority vote of the members of the association, the city or town treasurer shall be ex officio treasurer of the fire department relief association and the official bond of such city or town treasurer shall cover the faithful discharge of his duties as ex officio treasurer of the fire department relief association, and the cash in the firemen’s relief fund shall have the same protection as to depository securities furnished by banks, as the other funds of the city or town. All of the financial books and accounts of such association with reference thereto shall be subject at all times to examination by the state examiner.

Examination,
fee.

“(3) The state examiner is hereby authorized, empowered and required to make such examination at least once each year, for which service the association shall pay to the state treasurer on or before the first day of July of each year, in all cases where the fund is in excess of one thousand dollars (\$1,000.00) *and less than five thousand dollars (\$5,000.00), a fee in the amount of ten dollars*

(\$10.00); from five thousand dollars (\$5,000.00) to ten thousand dollars (\$10,000.00), a fee in the amount of twenty-five dollars (\$25.00), and where the fund is ten thousand dollars (\$10,000.00) and over, a fee in the amount of thirty-five dollars (\$35.00), which shall be credited to the state general fund. Upon complaint being duly made to him that the money or any part thereof paid under the provisions of this act to the treasurer of such association has been or is being expended for any unauthorized purpose, and if such money upon examination is found to have been expended contrary to the authority given, he shall so report to the governor, upon whose directions to the state auditor, no further warrants shall be issued to such fire department relief association treasurer until the money so expended has been returned.''

Approved February 25, 1953.

CHAPTER 68

An Act to Amend Sections 35-104 and 35-109 of the Revised Codes of Montana of 1947, Relating to Notice, Hearing and Creation of Authority Under the "Housing Authorities Law", Submitting Ordinance Creating to the Electorate and Requiring Approval of the Electorate of the City Before Projects Are Undertaken.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 35-104 of the Revised Codes of Montana of 1947, be, and the same is hereby amended to read as follows:

Amending
clause.

"35-104. Notice, Hearing and Creation of Authority.
Any twenty-five (25) residents of a city and of the area within ten miles from the territorial boundaries thereof may file a petition with the city clerk setting forth that there is a need for an authority to function in the city and said surrounding area. Upon the filing of such a petition the city clerk shall give notice of the time, place and purposes of a public hearing at which the council will determine the need for an authority in the city and said surrounding area. Such notice shall be given at the city's expense by publishing a notice, at least ten days preceding the day on which the hearing is to be held, in

Creation of
authority.

Petition,
notice, hearing.

a newspaper having a general circulation in the city and said surrounding area or, if there be no such newspaper, by posting such a notice in at least three public places within the city, at least ten days preceding the day on which the hearing is to be held.

“Upon the date fixed for said hearing held upon notice as provided herein, an opportunity to be heard shall be granted to all residents and taxpayers of the city and said surrounding area and to all other interested persons. After such a hearing, the council shall determine:

(1) Whether unsanitary or unsafe inhabited dwelling accommodations exist in the city and said surrounding area, and/or

(2) Whether there is a lack of safe or sanitary dwelling accommodations in the city and said surrounding area available for all the inhabitants thereof.

“In determining whether dwelling accommodations are unsafe or unsanitary, the council shall take into consideration the following: the physical condition and age of the buildings; the degree of overcrowding; the percentage of land coverage; the light and air available to the inhabitants of such dwelling accommodations; the size and arrangement of the rooms; the sanitary facilities; and the extent to which conditions exist in such buildings which endanger life or property by fire or other causes.

Commissioners.

“If it shall determine that either or both of the above enumerated conditions exist, the council *must draft an ordinance authorizing the mayor to appoint five commissioners to act as an authority, which said ordinance shall not be effective until it has been approved by a majority vote of the electors within the city limits voting, either at a special or general election.* Said commission shall be a public body and a body corporate and politic upon the completion of the taking of the following proceedings:

Application
filed with
secretary
of state.

“The commissioners shall present to the secretary of the state an application signed by them, which shall set forth (without any detail other than the mere recital) (1) that a notice has been given and public hearing has been held as aforesaid, that the council made the aforesaid determination after such hearing, and that the mayor has appointed them as commissioners; (2) the name, and official residence

of each of the commissioners, together with a certified copy of the appointment evidencing their right to office, the date and place of induction into and taking oath of office, and that they desire the housing authority to become a public body and a body corporate and politic under this act; (3) the term of office of each of the commissioners; (4) the name which is proposed for the corporation; and (5) the location of the principal office of the proposed corporation. The application shall be subscribed and sworn to by each of said commissioners before an officer authorized by the laws of the state to take and certify oaths, who shall certify upon the application that he personally knows the commissioners and knows them to be the officers as asserted in the application, and that each subscribed and swore thereto in the officer's presence. The secretary of state shall examine the application and if he finds that the name proposed for the corporation is not identical with that of a person or of any other corporation of this state or so nearly similar as to lead to confusion and uncertainty he shall receive and file it and shall record it in an appropriate book of record in his office.

“When the application has been made, filed and recorded, as herein provided, the authority shall constitute a public body and a body corporate and politic under the name proposed in the application; the secretary of state shall make and issue to the said commissioners, a certificate of incorporation pursuant to this act, under the seal of the state, and shall record the same with the application.

Authority a
body
corporate.

“The boundaries of such authority shall include said city and the area within ten miles from the territorial boundaries of said city but in no event shall it include the whole or a part of any other city nor any area included within the boundaries of another authority. In case an area lies within ten miles of the boundaries of more than one city, such area shall be deemed to be within the boundaries of the authority embracing such area which was first established, all priorities to be determined on the basis of the time of the issuance of the aforesaid certificates by the secretary of state. After the creation of an authority, the subsequent existence within its territorial boundaries of more than one city shall in no way affect the territorial boundaries of such authority.

Boundaries.

**Procedure
on denial.**

“If the council, after a hearing as aforesaid, shall determine that neither of the above enumerated conditions exist, it shall adopt a resolution denying the petition. After three months shall have expired from the date of the denial of any such petitions, subsequent petitions may be filed as aforesaid and new hearings and determinations made thereon.

**Certificate
deemed
conclusive
evidence.**

“In any suit, action or proceeding involving the validity or enforcement of, or relating to any contract of the authority, the authority shall be conclusively deemed to have been established in accordance with the provisions of this act upon proof of the issuance of the aforesaid certificate by the secretary of state. A copy of such certificate, duly certified by the secretary of state shall be admissible in evidence in any such suit, action or proceeding, and shall be conclusive proof of the filing and contents thereof.”

**Amending
clause.**

Section 2. That Section 35-109 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

**Powers of
authority.**

“35-109. **Powers of Authority.** An authority shall constitute a public body and a body corporate and politic, exercising public powers, and having all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this act, including the following powers in addition to others herein granted:

**Investigate
conditions.**

“To investigate into living, dwelling and housing conditions and into the means and methods of improving such conditions; to determine where unsafe, or unsanitary dwelling or housing conditions exist; to study and make recommendations concerning the plan of any city or municipality located within its boundaries in relation to the problem of clearing, replanning and reconstruction of areas in which unsafe, or unsanitary dwelling or housing conditions exist, and the providing of dwelling accommodations for persons of low income, and to co-operate with any city, municipal or regional planning agency; to prepare, carry out and operate housing projects; to provide for the construction, reconstruction, improvement, alteration or repair of any housing project or any part thereof; to take over by purchase, lease or otherwise any housing project located within its boundaries undertaken by any government; to

act as agent for the federal government in connection with the acquisition, construction, operation and/or management of a housing project or any part thereof; to arrange with any city or municipality located in whole or in part within its boundaries or with a government for the furnishing, planning, replanning, installing, opening or closing of streets, options or property rights or for the furnishing of property or services in connection with a project;

“To arrange with the state, its subdivision and agencies, and any county, city or municipality of the state, to the extent that it is within the scope of each of their respective functions, (a) to cause the services customarily provided by each of them to be rendered for the benefit of such housing authority and/or the occupants of any housing projects and (b) to provide and maintain parks and sewage, water and other facilities adjacent to or in connection with housing projects and (c) to change the city or municipality map, to plan, replan, zone or rezone any part of the city or municipality; to lease or rent any of the dwelling or other accommodations or any of the lands, buildings, structures or facilities embraced in any housing project and to establish and revise the rents or charges therefor; to enter upon any building or property in order to conduct investigations or to make surveys or soundings; to purchase, lease, obtain options upon, acquire by gift, grant, bequest, devise, or otherwise any property real or personal or any interest therein from any person, firm, corporation, city, municipality, or government;

Arrange for services, and plans, and zones; make leases, surveys.

“To acquire by eminent domain any real property, including improvements and fixtures thereon; to sell, exchange, transfer, assign, or pledge any property real or personal or any interest therein to any person, firm, corporation, municipality, city, or government; to own, hold, clear and improve property, to insure or provide for the insurance of the property or operations of the authority against such risks as the authority may deem advisable; to procure insurance or guarantees from a federal government of the payment of any debts or parts thereof secured by mortgages made or held by the authority on any property included in any housing project;

Eminent domain.

“To borrow money upon its bonds, notes, debentures or other evidences of indebtedness and to secure the same by

Borrow money.

pledges of its revenues, and (subject to the limitations hereinafter imposed) by mortgages upon property held or to be held by it, or in any other manner; in connection with any loan, to agree to limitations upon its right to dispose of any housing project or part thereof or to undertake additional housing projects; in connection with any loan by a government, to agree to limitations upon the exercise of any powers conferred upon the authority by this act; to invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursement, in property or securities in which savings banks may legally invest funds subject to their control;

Sue and
be sued.

“To sue and be sued; to have a seal and to alter the same at pleasure; to have perpetual succession; to make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the authority to make and from time to time amend and repeal bylaws, rules and regulations not inconsistent with this act, to carry into effect the powers and purposes of the authority;

Hold hearings,
receive proof.

“To conduct examinations and investigations and to hear testimony and take proof under oath at public or private hearings on any matter material for its information;

Subpoena
powers.

“To issue subpoenas requiring the attendance of witnesses or the production of books and papers and to issue commissions for the examination of witnesses who are out of the state or unable to attend before the authority, or excused from attendance; and to make available to such agencies, boards or commissions as are charged with the duty of abating or requiring the correction of nuisances or like conditions, or of demolishing unsafe or unsanitary structures within its territorial limits, its findings and recommendations with regard to any building or property where conditions exist which are dangerous to the public health, morals, safety or welfare.

Power of
individual
commissioner.

“Any of the investigations or examinations provided for in this act may be conducted by the authority or by a committee appointed by it, consisting of one or more commissioners, or by counsel, or by an officer or employee specially authorized by the authority to conduct it. Any commissioner, counsel for the authority, or any person designated by it to conduct an investigation or examination

shall have power to administer oaths, take affidavits and issue subpoenas or commissions.

“An authority may exercise any or all of the powers herein conferred upon it, either generally or with respect to any specific housing project or projects, through or by an agent or agents which it may designate, including any corporation or corporations which are or shall be formed under the laws of this state, and for such purposes an authority may cause one or more corporations to be formed under the laws of this state or may acquire the capital stock of any corporation or corporations.

“Any corporate agent, all of the stock of which shall be owned by the authority or its nominee or nominees, may to the extent permitted by law exercise any of the powers conferred upon the authority herein. In addition to all of the other powers herein conferred upon it, an authority may do all things necessary and convenient to carry out the powers expressly given in this act. No provisions with respect to the acquisition, operation or disposition of property by other public bodies shall be applicable to an authority unless the legislature shall specifically so state.”

Before any housing projects or additional units to existing housing projects shall be undertaken or a contract be executed therefor, the city or town council must pass an ordinance authorizing the same, and said ordinance shall not be effective until it has been approved by a majority vote of the electors within the corporate limits of such city or town voting either at a special or general election. Provided, however, that provisions on elections herein contained shall not be applicable to repair, maintenance, painting or remodeling of existing units nor to applications on file with the public housing administration on the effective date of this act.

Ordinance
required to be
voted on.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing
clause.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Effective
immediately.

Approved February 25, 1953.

CHAPTER 69

An Act to Amend Section 16-3701, Revised Codes of Mon-

tana, 1947, Relating to the Maximum Number of Deputy County Clerks, Deputy Clerks of the District Court, and Deputy Sheriffs.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 16-3701, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Number of
deputies
allowed.

“16-3701. **Number of Deputies Allowed.** The whole number of deputies allowed the county clerk in counties of the first and second classes must not exceed six; in counties of the third class, three; in counties of the fourth and fifth classes, two; in counties of the sixth and seventh classes, one. The whole number of deputies allowed the clerk of the district court in counties of the first and second classes must not exceed one chief deputy and deputies to the number of six; in counties of the third and fourth classes having more than one district judge, four; in counties of the third and fourth classes having one district judge, two; in counties of the fifth, sixth, seventh and eighth classes, one. The whole number of deputies allowed the sheriff is one undersheriff, and in addition not to exceed the following number of deputies: In counties of the first, second and third classes, six; in counties of the fourth class, two; in counties of the fifth, sixth, seventh and eighth classes, one. The sheriff in counties of the first, second and third classes may appoint two deputies, and in the fourth, fifth, sixth, seventh and eighth classes, one deputy who shall act as jailor and receive the same salary as other deputy sheriffs.”

Effective
immediately.

Section 2. This act shall be in full force and effect from and after its passage and approval.

Approved February 25, 1953.

CHAPTER 70

An Act to Amend Sections 89-2702 and 89-2704 of the Revised Codes of Montana, 1947, Relating to Alterations or Additions to Drainage Districts.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 89-2702 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending
clause.

“89-2702. **Alterations or Additions to System — Petition Required, Contents of.** Whenever, in the judgment of the commissioners of any drain district or drainage district, it is necessary or will be beneficial to such district to make any alteration and/or any addition to the drainage system of such district, they shall file a petition with the clerk of the court having jurisdiction of such district, in which shall be stated the proposed alteration of and/or the proposed addition to the drainage system of said district, the necessity therefor and the probable cost of making such alteration and/or addition. *Whenever such commissioners shall fail or refuse to file such petition or, in event any landowners desire to file such petition, such petition may be filed by such landowners, provided the same be signed by the owners of at least forty per centum (40%) in area of the lands in said district.*”

Alteration
of system,
petition,
contents of.

40% of land-
owners may
file petition.

Section 2. That Section 89-2704 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending
clause.

“89-2704. **Objections — Dismissal of Petition — Procedure at Hearing.** Any such landowner or corporation may at any time prior to five (5) days before the date fixed for such hearing file his or its objections to such petition. A copy of such objections shall be delivered to the attorney for said commissioners, if they have an attorney of record, or to the chairman of the board of commissioners of said district, if there be no such attorney of record, prior to filing the original thereof with the clerk of said court. If objections are made and filed by the owners of at least *seventy-five per centum (75%)*, in area of the lands in said district, said petition shall be dismissed and no further proceedings had thereon. If the owners of less than *seventy-five per centum (75%)* in area of the lands in said district object to such petition, then, on the date fixed for such hearing, or upon any day to which such hearing may be adjourned, the court having jurisdiction will hear testimony in support of said petition and in opposition thereto, and after such hearing shall determine whether the proposed alteration and/or addition is neces-

Objections,
dismissal of
petitions,
procedure
at hearings.

sary, whether *it* will be beneficial to said district and improve the drainage system thereof, and either approve or deny such petition or modify and change the alteration and/or addition proposed. *If the court shall approve such petition, or modify and change the alteration and/or addition proposed, the court shall by order, direct said commissioners to proceed with said work with all convenient speed.* So far as possible, such hearing shall be conducted as other hearings and trials in the district courts of the State of Montana, and the laws of the State of Montana with reference to hearings and trials, so far as applicable, shall govern in the conduct of such hearings.”

Repealing
clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Effective
immediately.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved February 25, 1953.

CHAPTER 71

An Act to Amend Section 4-413, Revised Codes of Montana, 1947, Relating to Whom Liquor May Not be Sold or Given Away Upon Any Premises Licensed to Sell Liquor at Retail and Repealing the Prohibition Against Sale of Liquor to Indians.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 4-413, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

“4-413. **Persons to Whom Liquor May Not Be Sold or Given.** No licensee or his or her employee or employees, *nor any other person*, shall sell, deliver, or give away or cause or permit to be sold, delivered or given away any liquor, beer or wine to:

Persons to
whom liquor
may not be sold
or given.

1. Any person under the age of twenty-one (21) years.
2. Any intoxicated person or any person actually, apparently or obviously intoxicated.
3. A habitual drunkard.

4. An interdicted person.

5. Any minor, or other person who knowingly misrepresents his or her qualifications for the purpose of obtaining liquor, beer or wine from such licensee shall be equally guilty with said licensee and shall, upon conviction thereof, be subject to the penalty provided in section 4-439 *provided, however, that nothing herein contained shall be construed as authorizing or permitting the sale of liquor, beer or wine to any person in violation of any federal law.*'

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing
clause.

Approved February 25, 1953.

CHAPTER 72

An Act to Amend Sections 23-1109, 23-1110 and 23-1112 of the Revised Codes of Montana, 1947, Relating to the Columns and Material to be Printed on Ballots; Words to be Printed on Each Ballot; and Arrangement of the Ballot to Facilitate the Expression of Voters' Choice, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 23-1109 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending
clause.

"23-1109. **Columns and Material to Be Printed on Ballot.** Each ballot shall contain at the top the stub as provided by section 23-1114, and directly underneath the perforated line shall be the following words in bold face type, 'VOTE IN ALL COLUMNS'. Each ballot shall contain *three (3) columns. At the head of the first column to the left shall be the words, 'STATE AND NATIONAL', in large bold face type, followed by a list of all candidates for state and national offices, including supreme court justices, and district court judges, and such list shall progressively continue on to the top of the second column. Following the list of state and national candidates shall be the words 'COUNTY AND TOWNSHIP', in large bold face type, and beneath such heading shall be listed all*

Columns and
materials to
be printed on
ballot, form
and order of.

candidates for the legislative assembly, county and township offices and such list shall progressively continue on to the top of the third column. Following the list of county and township candidates shall be the words 'INITIATIVES, REFERENDUMS, AND CONSTITUTIONAL AMENDMENTS,' in large bold face type, and listed thereunder shall be all proposed constitutional amendments and measures to be voted on by the people at such election which do not involve the creation of any state levy, debt or liability. In case there are no such measures to be submitted, the said heading entitled 'INITIATIVES, REFERENDUMS, AND CONSTITUTIONAL AMENDMENTS,' shall be eliminated. Every ballot shall be so printed that all matter heretofore required to be printed on each ballot shall be equally apportioned among the three columns as nearly as possible in the order heretofore and hereafter specified. All such measures which involve the creation of a state levy, debt or liability shall be submitted to the qualified voters upon a separate official ballot in substantial conformity with the form provided for by section 23-1112, for the submission of such measures.'

Amending
clause.

Section 2. That Section 23-1110 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Words to be
printed —
instructions.

"23-1110. Words to Be Printed. At the bottom of the first and second column to the left shall be the words, **'VOTE IN THE NEXT COLUMN'**. Likewise, at the top of the second column shall be the words **'STATE AND NATIONAL (continued)'** and at the top of the third column shall be the words **'COUNTY AND TOWNSHIP (continued)'** to indicate the continuation of the list of candidates under each respective heading to the following column if after all the printed matter is equally apportioned among the three columns, one column is insufficient to contain all the candidates listed under each of the aforementioned headings."

Amending
clause.

Section 3. That Section 23-1112 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Form of ballot
set out.

"23-1112. Ballot to Facilitate Expression of Voter's Choice. In case of a short term and a long term election for the same office, the long term office shall precede the

short term. The ballots shall be so printed as to give each voter a clear opportunity to designate his choice of candidates by a cross mark, (X) in a square at the left of the name of each candidate. Above each group of candidates for each office shall be printed the words designating the particular office in bold face capital letters and directly underneath the words, 'VOTE FOR' followed by the number to be elected to such office. As nearly as possible the ballot shall be in the following form:

(Stub hereinafter provided for by Section 23-1114)

..... Perforated Line

VOTE IN ALL COLUMNS

STATE AND NATIONAL	STATE AND NATIONAL (Continued)	COUNTY AND TOWNSHIP (Continued)
FOR PRESIDENTIAL ELECTORS TO VOTE FOR PRESIDENT AND VICE-PRESIDENT OF THE UNITED STATES VOTE FOR ONE Democrat for President of the United States JOHN DOE For Vice-President of the United States RICHARD ROE For Presidential Electors: Jane Doe; Helen Doe; Pete Moe; Milton Moe. (Same with other candidates for President and Vice President together with blank space for write-in.)	FOR CHIEF JUSTICE OF THE SUPREME COURT VOTE FOR ONE ☐ Richard K. O'Doe (Nominated without party designation.) ☐ Tom Row (Nominated without party designation.) ☐ (Continued in like manner for Associate Justice and Judges of the District Court.)	(Continued in like manner for all County and Township Officers.) INITIATIVES, REFERENDUMS AND CONSTITUTIONAL AMENDMENTS CONSTITUTIONAL AMENDMENTS ☐ For the Amendment ☐ Against the Amendment
FOR UNITED STATES SENATOR VOTE FOR ONE ☐ Frank Roe Democrat ☐ Guy Doe Republican ☐ (Same for Congressmen, Governor, Lieut. Governor, Secretary of State, Attorney General, State Treasurer, State Auditor, Railroad and Public Service Commissioners, State Superintendent of Public Instruction, and Clerk of the Supreme Court.)	COUNTY AND TOWNSHIP FOR STATE SENATOR VOTE FOR ONE ☐ Bill Doe Republican ☐ John Roe Democrat ☐ FOR MEMBER OF THE HOUSE OF REPRESENTATIVES VOTE FOR TWO ☐ Al Johnson Republican ☐ Jim Sparks Democrat ☐ Jack Smith Republican ☐ Dan Martin Democrat ☐ ☐	REFERENDUM NO. 1 ☐ For Referendum No. 1 ☐ Against Referendum No. 1 INITIATIVE NO. 1 ☐ For Initiative No. 1 ☐ Against Initiative No. 1
Vote in Next Column	Vote in Next Column	

Repealing
clause.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 25, 1953.

CHAPTER 73

An Act to Amend Section 32-1123, Revised Codes of Montana, 1947, Relating to Uniform Standards Governing the Maximum Dimensions, Weights, and Speeds of Motor Vehicles Operating Over the Highways of the State of Montana, and Repealing All Acts or Parts of Acts in Conflict Therewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 32-1123, Revised Codes of Montana, 1947, be amended to read as follows:

Standards of
maximum
dimensions,
limits.

“32-1123. **Standards of Maximum Dimensions, Weights, Speeds, Etc.** The following standards are hereby made applicable to, and shall govern the maximum dimensions, weights and speeds of motor vehicles, and other characteristics and factors thereof, operating over the highways of, and in the State of Montana, to the exclusion of any other standards or any other requirements respecting the subject matter:

“(1) Width — No vehicle, unladen or with load, shall have a total outside width in excess of 96 inches.

“(2) Height — No vehicle, unladen or with load, shall exceed a height of 13 feet, 6 inches.

“(3) Length — (a) No single truck, unladen or with load, shall have an overall length, inclusive of front and rear bumpers, in excess of 35 feet.

“(b) No single bus, unladen or with load, shall have an overall length, inclusive of front and rear bumpers, in excess of 40 feet.

“(c) No combination of truck-tractor and semitrailer, unladen or with load, shall have an overall length, inclusive of front and rear bumpers, in excess of 60 feet.

“(d) No other combination of vehicles shall consist of more than two units, and no such combination of vehicles,

unladen or with load, shall have an overall length, inclusive of front and rear bumpers, in excess of 60 feet.

“(4) Speed — (a) Minimum speed. No motor vehicle shall be unnecessarily driven at such slow speed as to impede or block the normal and reasonable movement of traffic. Exception to this requirement shall be recognized when reduced speed is necessary for safe operation or when a vehicle or combination of vehicles is necessarily or in compliance with law or police direction proceeding at reduced speed.

“(b) Maximum speed. No truck shall be operated at a speed greater than 45 miles per hour. Passenger vehicles may be operated at such speeds as shall be consistent at all times with safety and the proper use of the roads.

“(c) Vehicles equipped with solid rubber on cushion tires shall be operated at a speed not in excess of 10 miles per hour.

“(5) Permissible Loads — (a) No axle shall carry a load in excess of 18,000 lbs. An axle load shall be defined as the total load transmitted to the road by all wheels whose centers may be included between two parallel transverse vertical planes 40 inches apart, extending across the full width of the vehicle.”

(b) The gross weight of any group of axles of any vehicle or combination of vehicles, when the distance between the first and last axles of any group of axles is 18 feet or less, and the gross weight of any vehicle when the distance between the first and last axles of all the axles of the vehicle is 18 feet or less, shall not exceed that set forth in the following table of weights:

<i>Distance in feet between the first and last axles of any group of axles of any vehicle or combination of vehicles, or between the first and last axles of all of the axles of any vehicle</i>	<i>Maximum gross weight, in pounds, of any group of axles of any vehicle or combination of vehicles, or of any vehicle</i>
--	--

4	32,000
5	32,000
6	32,200

7	32,900
8	33,600
9	34,300
10	35,000
11	35,700
12	36,400
13	37,100
14	43,200
15	44,000
16	44,800
17	45,600
18	46,400

(c) *The gross weight of any vehicle or combination of vehicles, where the distance between the first and last axles of the vehicle or combination of vehicles is more than 18 feet, shall not exceed that set forth in the following table of weights:*

<i>Distance in feet between the first and last axles of all of the axles of a vehicle or combination of vehicles</i>	<i>Maximum gross weight, in pounds, of any vehicle or combination of vehicles</i>
--	---

18	46,400
19	47,200
20	48,000
21	48,800
22	49,600
23	50,400
24	51,200
25	55,250
26	56,100
27	56,950
28	57,800
29	58,650
30	59,500
31	60,350
32	61,200
33	62,050
34	62,900
35	63,750
36	64,600
37	65,450
38	66,300
39	67,150

40	68,000
41	68,000
42	68,000
43	68,000
44	68,000
45	68,000
46	68,800
47	69,600
48	70,400
49	71,200
50	72,000
51	72,800
52	73,600
53	74,400
54	75,200
55	76,000
56	76,400
57	76,800

(d) The distance between axles shall be measured to the nearest foot. When a fractional measurement is exactly one-half foot the next larger whole number shall be used.

“(e) The maximum axle and axle group loads stated in paragraphs (a), (b) and (c) of clause (5) above are subject to reasonable reduction in the discretion of the state highway commission during periods when road subgrades have been weakened by water saturation or other cause; provided that the maximum limitations expressed in paragraphs (a), (b) and (c) of clause (5) shall not apply to the incidental and occasional use of such highways by vehicles not usually, or ordinarily engaged in highway use and employed primarily in agricultural or industrial uses other than on such highways.

“(f) The operation of vehicles or combinations of vehicles having dimensions or weights in excess of the maximum limits herein recommended shall be permitted only if and when authorized by special permit issued by the state highway commission or its officers, supervisors or agents acting pursuant to duly delegated authority from said commission, including the state highway patrol.”

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing
clause.

Effective immediately. Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 25, 1953.

CHAPTER 74

An Act to Amend Section 84-3305 of the Revised Codes of Montana, 1947, Relating to Licenses and License Fees for Movie Theatres; and Prescribing When This Act Takes Effect.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause. Section 1. That Section 84-3305, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

License fees motion picture theaters. “84-3305. **License Fees.** Every person, firm, corporation, association or copartnership, opening, establishing, operating or maintaining moving picture theatres within the state under the same management, supervision or ownership, shall pay the license fees hereafter prescribed for the privilege of establishing, operating or maintaining such movie theatres.

“The license fees herein prescribed are payable quarterly on the first day of April, July, October and January of each year and shall be as follows:

One and one quarter (1¼) per centum of the gross proceeds from the sale of tickets of admission in excess of the sum of *twenty-thousand dollars (\$20,000.00)* per quarter.”

Effective date. Section 2. This act shall be in full force and effect from and after April 1, 1953, provided, however, that nothing herein contained shall affect the liability of any licensee under existing law for the payment of license fees covering the first quarter of 1953.

Payment under present law first quarter 1953.

Approved February 25, 1953.

CHAPTER 75

An Act to Amend Sections 11-2008 and 11-2010, Revised Codes of Montana, 1947, Relating to the Creation, Gov-

ernment, Equipment of Rural Fire Districts; to Provide for the Dissolution and Change of Boundaries of Such Fire Districts; to Provide for the Entering Into Contracts Between Such Fire Districts and City and Town Councils for Mutual Fire Protection; to Provide for a Special Tax Levy to Operate Such Fire Districts, and Repealing Sections 11-2011, 11-2012, 11-2013, 11-2014, 11-2015, 11-2016, 11-2017, 11-2018 and 11-2019, Revised Codes of Montana, 1947.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 11-2008, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending
clause.

“11-2008. **Fire Protection — Creation of Rural Fire Districts — Contracts With Cities and Towns — Dissolution and Change of Boundaries.** (a) The board of county commissioners is authorized to establish fire districts in any unincorporated territory, town or village whenever requested in writing so to do by the owners of fifty percent (50%) or more, of the area included within the proposed district and who constitute a majority of the taxpayers who are freeholders of such territory, town or village, and whose names appear upon the last completed assessment roll; and at the time of the annual levy of taxes may levy a special tax upon all property within such districts for the purpose of buying *fire protection facilities and apparatus for such districts*, or for the purpose of paying to a city or town the consideration provided for in any contract with the council of such city or town for the extension of fire protection service to property within such district, and such tax must be collected as are other taxes.

Creation
rural fire
districts.

“(b) Any fire district organized under this act may be dissolved when the board of county commissioners is requested in writing so to do by the owners of fifty percent (50%) or more, of the area included within such fire district and who constitute a majority of the taxpayers who are freeholders of such territory, town or village and whose names appear upon the last completed assessment roll.”

Dissolution
procedure.

Division and
change of
boundaries.

(c) *Change of Boundaries — Division.* Fire districts may be divided in the following manner: Whenever a petition in writing shall be made to the county commissioners, signed by the owners of twenty percent (20%), or more, of an area proposed to be detracted from the original district, and who constitute twenty percent (20%), or more, of the taxpayers who are freeholders within such proposed detracted area, whose names appear upon the last completed assessment roll, the county commissioners shall, within ten (10) days from the receipt of such petition give notice of the hearing of said petition by causing to be posted, a notice thereof at least ten (10) days prior to the time appointed by them for the consideration of said petition, in at least three of the most public places within the proposed detracted area, and also in at least three of the most public places within the remaining area. The petition for detraction shall describe the boundaries of the proposed detracted area, and also the boundaries of the remaining area. The county commissioners shall, on the day fixed for hearing such petition (or on any legally postponed day), proceed to hear said petition; and said petition shall be granted, and the original district shall thereupon be divided into separate districts, unless at the time of the hearing on such petition protests shall be presented by the owners of fifty percent (50%), or more, of the area included within the entire original district, and who constitute a majority of the taxpayers who are freeholders of the entire original district, and whose names appear upon the last completed assessment roll. If such required amount of protests are presented, the petition for division shall be disallowed. Upon the division of districts, moneys on hand shall be apportioned between the divided areas according to their respective taxable valuations; all other assets of the original district shall become the property of the remaining area, but a reasonable value shall be placed upon such "other assets" and the remaining area shall become indebted to the detracted area for its proportionate share thereof, based upon taxable valuations. Provided, however, that any detracted area shall remain liable for any existing warrant and bonded indebtedness of the original district.

Annexation and
change of
boundaries.

(d) *Change of Boundaries — Annexation.* Contiguous territory that is not already a part of a fire district may

be annexed in the following manner: A petition in writing by the owners of fifty percent (50 %), or more, of the contiguous area proposed to be annexed, and who constitute a majority of the taxpaying freeholders within such proposed area to be annexed, whose names appear upon the last completed assessment roll, shall be presented to the board of county commissioners. The commissioners shall hold a hearing on such petition, in accordance with the procedure outlined in subsection (c) above; and shall allow the annexation of such proposed contiguous territory, unless protests are presented at the hearing by the owners of fifty percent (50 %), or more, of the area included within the original district, and who constitute a majority of the taxpaying freeholders within the original district. Such annexed territory shall become liable for any outstanding warrant and bonded indebtedness of the original district.

Contiguous territory that is already a part of a fire district may withdraw from such fire district and become annexed to another fire district in the following manner: A petition in writing by the owners of fifty percent (50 %), or more, of an area which is part of any organized fire district, and who constitute a majority of the taxpaying freeholders within such area, according to the last completed assessment roll, shall be presented to the county commissioners asking that such area be transferred to, and included in, any other organized fire district to which said area is contiguous. Said petition must set forth the change of boundaries to be affected by such proposed transfer of area. The commissioners shall hold a hearing on the petition in accordance with the procedure outlined in subsection (c) above; and the withdrawal and annexation shall be allowed unless protests are presented at the hearing by the owners of fifty percent (50 %), or more, of the area included within both districts affected, and who constitute a majority of the taxpaying freeholders of both districts, according to the last completed assessment roll. And provided, that such withdrawals and annexation shall be allowed only upon a showing of more advantageous proximity and communications with the fire-fighting facilities of the other district.

Section 2. That Section 11-2010, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending
clause.

Management
fire districts.

“11-2010. (a) Whenever the board of county commissioners shall have established a fire district in any unincorporated territory, town or village, said commissioners shall appoint five qualified trustees to govern and manage the affairs of the fire district, who shall hold office until their successors are elected and qualified, as hereinafter provided. Qualifications of electors and trustees, terms of office, vacancies, manner and date of elections, shall, as far as possible, be the same as provided in the school election laws for school districts of the second class; except, that only electors who are taxpayers affected by the special fire district levies may vote at such elections, and be qualified to serve as trustees; and except, also, there need be no special registration of electors.”

Powers of
trustees.

(b) *Power of Trustee.* The trustees shall organize by choosing a chairman, and appointing one member to act as secretary. They shall prepare and adopt suitable by-laws; appoint and form fire companies that shall have the same duties, exemptions, and privileges as other fire companies. The trustees shall have the authority to provide adequate and standard fire-fighting apparatus, equipment, housing and facilities for the protection of the district; and shall prepare annual budgets and request special levies therefor. The budget laws relating to county budgets, shall, as far as applicable, apply to fire districts.

May contract
with urban
council for fire
protection.

(c) *The trustees of such fire district may contract with the council of any city or town lying within five (5) miles of the farthest limits of the district, for the extension of fire protection service by such city or town to property included within the district, and may agree to pay a reasonable consideration therefor, provided, that the owners of ten percent (10%) of the taxable value of the property in any fire district may elect to make a contract with the city fire department for fire protection, or to be included in the fire district protection facilities. Likewise, the trustees may contract to permit the fire district equipment and facilities to be used by such cities or towns lying within the district.*

Repealing
certain
sections.

Section 3. That Sections 11-2011, 11-2012, 11-2013, 11-2014, 11-2015, 11-2016, 11-2017, 11-2018 and 11-2019, Revised Codes of Montana, 1947, be, and the same are, and each is hereby repealed.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing
clause.

Section 5. This act shall be in full force and effect from and after its passage and approval.

Effective
immediately.

Approved February 25, 1953.

CHAPTER 76

An Act to Amend Sections 11-726 and 11-728 of the Revised Codes of Montana, 1947, and Sections 11-725, 11-729 and 11-731 of the Revised Codes of Montana, 1947, as Amended by Chapter 115 of the Laws of the Thirty-second Legislative Assembly, 1951, Pertaining to the Salaries and Qualifications of Mayor, Alderman, City Attorney, City Clerk, Police Judge and City Treasurer, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 11-725 of the Revised Codes of Montana, 1947, as amended by Chapter 115 of the Laws of the Thirty-second Legislative Assembly, 1951, be, and the same is amended to read as follows:

Amending
clause.

“11-725. **Salaries and Qualifications of Mayor and Aldermen.** The annual salary of a mayor of a city of the first class must not exceed *five thousand four hundred dollars (\$5,400.00)*; and the annual salary of the mayor of a city of the second class must not exceed *three thousand dollars (\$3,000.00)*; and the annual salary of the mayor of a city of the third class must not exceed *one thousand five hundred dollars (\$1,500.00)*; and each alderman in a city of the first class may be allowed and paid not exceeding *twelve dollars (\$12.00)* per diem, to be fixed by ordinance, for each day of session held by city council; provided, that no alderman shall be paid for more than five (5) days' service during any one (1) month; and aldermen of cities of the second and third class may be allowed and paid not exceeding *twelve dollars (\$12.00)* per diem for each day of session, to be fixed by ordinance, but no alderman shall be paid for more than two (2) days' service during any one (1) month. The council of any town may

Salaries,
qualifications,
mayor and
aldermen.

by ordinance set compensation for a mayor and alderman at *two dollars (\$2.00)* per meeting but in no event shall they be paid to exceed three (3) meetings per month. No person shall be elected to the office of mayor or alderman in any city or town who is not a resident and freeholder within the limits of the city or town."

Amending
clause.

Section 2. That Section 11-726 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Police judges,
salaries.

"11-726. **Salaries of Police Judges.** The annual salary and compensation of police judges must be fixed by ordinance, and in a city of the first class must not exceed, for all services rendered, *forty-two hundred dollars (\$4,200.00)*; and in a city of the second class must not exceed *two thousand one hundred dollars (\$2,100.00)*; and in a city of the third class must not exceed *one thousand dollars (\$1,000.00)*; and, in addition, a police judge is entitled to receive in all civil cases the fees which are now or may hereafter be allowed justices of the peace. In all criminal actions or proceedings arising under the criminal laws of the state, when acting as a justice of the peace or committing magistrate, he must receive no compensation whatever; provided, however, that none of the provisions of this act shall affect cities operating under the commission form of government."

Amending
clause.

Section 3. That Section 11-728 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

City treasurer,
salary.

"11-728. **Salary of City Treasurer.** The annual salary and compensation of the treasurer must be fixed by ordinance, and must be for all services rendered by such treasurer in any capacity, (except, however, in cases where a city of the third class or a town owns and operates a public utility or utilities and receives revenue therefrom as hereafter in this section provided) and no treasurer must be allowed any percentages or fees in addition thereto. In cities of the first class, the annual salary of the treasurer must not exceed *four thousand two hundred dollars (\$4,200.00)*, in cities of the second class must not exceed *two thousand eight hundred dollars (\$2,800.00)*, and in cities of the third class it must not exceed *one thousand two hundred dollars (\$1,200.00)*, and in towns it

must not exceed *nine hundred dollars (\$900.00)*; provided, however, that where a city of the third class, or a town, shall own and operate a public utility or utilities such as water supply, water works, gas, lighting system, or utilities similar to the foregoing, and receives the revenue derived therefrom, then the treasurer of such city, or town, may be paid additional salary or compensation to be fixed by ordinance and the duties of the treasurer with reference to the collection and safekeeping of the revenues derived from such public utilities shall likewise be fixed by ordinance and the amount of such additional salary or compensation shall be in accordance with the additional duties and responsibilities placed upon the treasurer by reason of such public utility or utilities and shall be in such amount as the council may determine."

Section 4. That Section 11-729 of the Revised Codes of Montana, 1947, as amended by Chapter 115 of the Laws of the Thirty-second Legislative Assembly, 1951, be, and the same is hereby amended to read as follows:

Amending
clause.

"11-729. **Salary of City Attorney.** The annual salary and compensation of the city attorney must be fixed by ordinance, and must not exceed, in cities of the first class, *four thousand five hundred dollars (\$4,500.00)*, and in cities of the second class must not exceed *three thousand dollars (\$3,000.00)*, and in cities of the third class must not exceed *one thousand eight hundred dollars (\$1,800.00)*, which compensation shall be in full for all services rendered in any capacity, and no fee, percentage or additional compensation must be given to or allowed him."

City attorney,
salary.

Section 5. That Section 11-731 of the Revised Codes of Montana, 1947, as amended by Chapter 115 of the Laws of the Thirty-second Legislative Assembly, 1951, be, and the same is hereby amended to read as follows:

"11-731. **Salary of City or Town Clerk.** The annual salary and compensation of the city or town clerk must be fixed by ordinance, and in cities of the first class must not exceed *five thousand one hundred dollars (\$5,100.00)*; in cities of the second class must not exceed *three thousand nine hundred dollars (\$3,900.00)*. In cities of the third class the compensation must not exceed *two thousand four hundred dollars (\$2,400.00)*, and in towns must not exceed

City or town
clerk, salary.

one thousand five hundred dollars (\$1,500.00) provided, however, that nothing in this section shall be held or construed as applying to cities and towns operating under the commission form of government."

Repealing
clause.

Section 6. All acts and parts of acts in conflict herewith are hereby repealed.

Effective
immediately.

Section 7. This act shall be in full force and effect from and after its passage and approval.

Approved February 25, 1953.

CHAPTER 77

An Act to Provide for the Issue and Sale by the State Board of Examiners of Bonds for the Purpose of Constructing, Building and Furnishing Quarters for the Governor and Purchasing a Site on Which Said Quarters Shall be Erected; Providing for the Selection of Said Site by the State Board of Examiners; Designating the Funds From Which Said Bonds Shall be Paid; Providing for a Governor's Quarters Construction Interest and Sinking Fund; Enumerating the Powers and Duties of the State Board of Examiners in Carrying Out the Provisions of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Board of exam-
iners to issue
bonds for gov-
ernor's quar-
ters, selection
of site.

Section 1. The state board of examiners of the State of Montana is hereby authorized to issue and sell bonds for the purpose of constructing, building and furnishing quarters for the governor of the State of Montana, and purchasing a site on which said quarters shall be erected; provided that said site shall be selected by the state board of examiners.

Employment
of architect,
order
construction.

Section 2. Upon the sale of the bonds, the state board of examiners is hereby empowered and directed to employ an architect and/or engineer to complete plans; and to proceed to construct, build and furnish quarters for the governor, without delay, as soon as proceeds from the bonds are available.

Board of exam-
iners to let
contracts,
contractor's
bond.

Section 3. The state board of examiners shall call for bids for such construction and furnishing and let contracts

for the same, all in accordance with the laws of the State of Montana. Said board shall require the contractors to give bonds to the State of Montana in the amount of one hundred percent (100%) of the contract price, conditioned for the faithful performance of their duties and contracts.

Section 4. The aggregate amount of bonds authorized by this act for the purposes herein expressed, shall not exceed the sum of one hundred twenty-five thousand dollars (\$125,000.00).

Amount of
bonds.

Section 5. Bonds issued and sold by the state board of examiners under authority of this act shall bear interest at a rate not exceeding four percent (4%) per annum, payable semiannually. They shall be either amortization or serial bonds, shall bear such date as the state board of examiners shall prescribe, and shall be payable over such period of years, not exceeding twenty (20), as said board may specify. All bonds shall be optional and redeemable at any time after the date of issue, at the option of the state board of examiners. Said bonds shall be in such denominations and sums and shall contain such recitals as the state board of examiners may determine, shall be signed by the governor, the attorney general, and the secretary of state as members of said board, and shall be paid at the office of the state treasurer of the State of Montana. The coupons attached to said bonds may bear the facsimile signature of the members of said board.

Interest rate
and bond
conditions.

Section 6. Said bonds shall be sold by the state board of examiners at such time and in such manner as the board shall deem best to carry out the provisions of this act; provided that none of such bonds shall be sold for less than par, plus accrued interest to the date of delivery of the bonds. Each of said bonds shall be registered before delivery with the state treasurer of the State of Montana, who shall keep accurate accounts of payments of interest and principal upon said bonds.

Mode of sale
of bonds.

Section 7. The principal and interest of the bonds authorized by this act shall be payable out of the following fund and from it only: All the income received from the capitol building land grant, subject only to the prior dedication and appropriation of monies therefrom for the payment of principal and interest of bonds that are or may be issued pursuant to Chapter 258 of the Laws of the Thirtieth

How bonds
payable.

Legislative Assembly, 1947, or that may be issued pursuant to house bill number thirteen (house bill No. 13) of the Thirty-third Legislative Assembly, 1953, shall be, and the same is hereby perpetually dedicated and appropriated for the payment of the principal and interest of the bonds provided for by this act. Any and all balances or sums now in said capitol building land grant fund or that may accrue to and become a part of said fund prior to the time of the sale of the bonds provided for herein, in excess of the amount heretofore dedicated and appropriated by said Chapter 258 of the Laws of the Thirtieth Legislative Assembly, 1947, or that may be dedicated and appropriated by house bill number thirteen (house bill No. 13) of the Thirty-third Legislative Assembly, 1953, shall likewise be, and the same are hereby pledged and appropriated for the payment of principal and interest of the bonds authorized by this act and to cover and pay the cost of constructing and furnishing said building to the extent said balances or accruals to said fund may be sufficient to pay the same; provided said bonds shall be issued and sold by said board of examiners as herein provided only for the total sum or amount necessary to be raised in excess of such total of all balances or sums now in or that may be accrued to said capitol building land grant in order to make available for such construction and furnishing said building a total of one hundred twenty-five thousand dollars (\$125,000.00).

Governor's
quarters con-
struction
interest and
sinking fund
created.

Section 8. To provide for the payment of the interest and principal of the bonds authorized by this act, there is hereby created a special fund to be known as the governor's quarters construction interest and sinking fund, into which fund shall be paid all the sums of money hereinbefore dedicated and appropriated to the payment of the principal and interest of said bonds and the construction and furnishing of said quarters and the purchase of said site.

Budget act
disclaimer.

Section 9. The appropriation herein provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Severability.

Section 10. Every section of this act and every part of each section is hereby declared to be independent of each other, and the holding of any section or part hereof to be void or ineffective for any cause shall not be deemed to affect any other section or part hereof.

Section 11. This act shall be in full force and effect from and after its passage and approval. Effective immediately.

Approved February 25, 1953.

CHAPTER 78

An Act to Repeal Section 69-3005 of the Revised Codes of Montana, 1947, Relating to a Division of Hospital Survey and Construction by Abolishing the Advisory Hospital Council, as Created by Section 69-3005 of the Revised Codes of Montana, 1947, and to Transfer the Powers and Duties Thereof to the Advisory Hospital Council for Which Provision is Made in Section 69-2910 of the Revised Codes of Montana, 1947.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the advisory hospital council provided for by Section 69-3005 of the Revised Codes of Montana, 1947, be hereby abolished and the powers and duties of said council be transferred to the advisory hospital council, as created and provided for in Section 69-2910 of the Revised Codes of Montana, 1947. Abolition of one advisory hospital council, duties transferred to another.

Section 2. That Section 69-3005 of the Revised Codes of Montana, 1947, be, and the same hereby is repealed. Repealing Sec. 69-3005, R.C.M., 1947.

Approved February 25, 1953.

CHAPTER 79

An Act to Repeal Chapter 2 of Title 28 of the Revised Codes of Montana, 1947; to Abolish the Forest Lands Advisory Commission.

Be it enacted by the Legislative Assembly of the State of Montana:

“Section 1. That Chapter 2 of Title 28 of the Revised Codes of Montana, 1947, consisting of sections 28-201, 28-202, and 28-203 be, and the same is hereby repealed.” Repealing chapter 2 of Title 28, R.C.M., 1947.

Approved February 25, 1953.

CHAPTER 80

An Act to Repeal Sections 1, 2, 3, 4, 5, 6 and 7, of Chapter 228 of the Session Laws of Montana, 1951, to Abolish the Charles M. Russell Memorial Commission.

Be it enacted by the Legislative Assembly of the State of Montana:

"Abolition"
Chapter 228,
Laws 1951.

Section 1. That Chapter 228 of the Session Laws of Montana, 1951, creating the Charles M. Russell memorial commission be abolished in its entirety.

Approved February 25, 1953.

CHAPTER 81

An Act Providing That Acknowledgments of Instruments Without This State in Compliance With the Laws of the Place of Execution Shall Have the Same Effect as If Acknowledged According to the Laws of This State.

Be it enacted by the Legislative Assembly of the State of Montana:

Full faith and
credit extended
to acknowl-
edgment of
instruments
without
Montana.

Section 1. Notwithstanding any provision contained in Title 39 of the Revised Codes of Montana of 1947, the acknowledgment of any instrument without this state in compliance with the manner and form prescribed by the laws of the place of its execution, if in a state, a territory or insular possession of the United States, or in the District of Columbia, verified by the official seal of the officer before whom it is acknowledged, shall have the same effect as an acknowledgment in the manner and form prescribed by the laws of this state for instruments executed within the state.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 25, 1953.

CHAPTER 82

An Act Relating to the Filing of Plats and Providing for the Inspections of Plats by the County Commissioners and the City or Town Council, and Authorizing Such

Council or Board of County Commissioners to Make Certain Requirements Before the Filing Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. **Approval of Plats Before Filing — By Whom to Be Done.** The city or town council, if the area lies within or partly within the boundaries of any city or town, or the board of county commissioners, if the area lies wholly outside the boundaries of any city or town, shall inspect all plats prepared under the provisions of section 11-614 and indicate their approval thereon in writing before the county clerk and recorder shall accept said plats for filing. In all cases where the survey plat indicates that the property is being subdivided or platted for building purposes, the city or town council or the board of county commissioners, as the case may be, may require the plat to be prepared in accordance with all the requirements for plats of cities or towns or additions thereto.

Approval of
plats before
filing —
by whom to
be done.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing
clause.

Approved February 25, 1953.

CHAPTER 83

An Act to Amend Section 23-503, Revised Codes of Montana, 1947, Relating to the Method of Registering and Prescribing Persons Before Whom Such Registration May be Made.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 23-503, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending
clause.

“23-503. (555) **Method of Registering.** Any elector residing within the county may register by appearing before the county clerk and ex officio registrar and making correct answers to all questions propounded by the county clerk touching the items of information called for by such registry card, and by signing and verifying the affidavit or affidavits on the back of such card. *Any elector serving in the armed services of the United States or in the mer-*

Method of
registering,
electors.

Absentee—in
government
service.

chant marines of the United States, or who is a civilian outside the United States, officially attached to and serving with the armed forces of the United States, may register by appearing before any commissioned officer, and make correct answers to all questions called for by such registry card, and by signing and verifying the affidavit or affidavits on the back of such card, and by mailing said card to the county clerk of the county in which the said voter resides.

Penalty.

“If any person shall falsely personate another and procure the person so personated to be registered, or if any person shall represent his name to the county clerk or to the registration clerk or to any other person qualified to register an elector, to be different from what it actually is, and cause such name to be registered, or if any person shall cause any name to be placed upon the registry lists otherwise than in the manner provided in this act, he shall be guilty of a felony, and upon conviction be imprisoned in the state penitentiary for not less than one (1) nor more than three (3) years.”

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 3. This act shall be in full force and effect upon its passage and approval.

Approved February 25, 1953.

CHAPTER 84

An Act to Amend Section 32-314, Revised Codes of Montana, 1947, Relating to Inspection of Highways and Construction Work — Compensation, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 32-314, Revised Codes of Montana, 1947, be and the same is hereby amended to read as follows:

Inspection county highways and construction — compensation.

“32-314. (1632) **Inspection of Highways and Construction Work — Compensation.** The board of county commissioners may direct the county surveyor or some member

or members of said board, to inspect the condition of any highway or highways or proposed highway or any work, contract or otherwise, under the direction, supervision or control of the county officials, being done or completed on any highway or bridge in the county during the progress of the work or before any work is commenced, or after completion and before payment therefor, and such person or persons making such inspection shall receive for making such inspection when so directed the sum of *twelve dollars* (\$12.00) per day and actual expense, which shall be audited and allowed in the same manner as other claims against the county."

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing
clause.

Approved February 25, 1953.

CHAPTER 85

An Act to Repeal Chapter 24 of Title 82 of the Revised Codes of Montana, 1947; Relating to the Abolishment of the State Temperance Commission.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Chapter 24 of Title 82 of the Revised Codes of Montana, 1947, consisting of sections 82-2401, 82-2402, 82-2403, 82-2404, 82-2405, 82-2406, 82-2407 and 82-2408 be and the same hereby are repealed.

Repealing
Chapter 24,
Title 82,
R.C.M., 1947.

Approved February 25, 1953.

CHAPTER 86

An Act to Create an Inter-departmental Advisory Council to be Known as the Council for Welfare and Health Consisting of the Executive Officer of the State Board of Health, Administrator of the Department of Public Welfare, Warden of the Montana State Prison, President of the Industrial School, Superintendent of the Girls' Vocational School, President of the Montana State Hospital, Superintendent of the Montana State Training School, Superintendent of the Montana State Orphans'

Home, President of the Montana State Tuberculosis Sanitarium, President of the Montana State School for the Deaf and Blind, Supervisor of the Home for the Senile Aged and the State Controller, for the Purpose of Coordinating the Work of the Several Executive Departments and Institutions of the State Pertaining to Health and Welfare, to the End That Matters of Common Concern to Them May Have Their Joint Consideration and That Duplication and Overlapping May be Eliminated and Administrative Efficiency Increased.

Be it enacted by the Legislative Assembly of the State of Montana:

Inter-departmental advisory council created — officers constituting.

Section 1. Creation of Inter-departmental Advisory Council. There is hereby created an inter-departmental advisory council, to be known as the council for welfare, health, and institutions (hereinafter referred to as the council). It shall be composed of the following public officials: the executive officer of the state board of health, administrator of the department of public welfare, warden of the Montana state prison, president of the industrial school, superintendent of the girls' vocational school, president of the Montana state hospital, superintendent of the Montana state training school, superintendent of the Montana state orphans' home, president of the Montana state school for the deaf and blind, supervisor of the home for the senile aged and the state controller.

Organization and meetings.

Section 2. Organization of the Council. The council on welfare, health, and institutions shall organize within thirty (30) days after this act shall take effect by the election of a chairman, secretary and such other officers as it may deem necessary. Thereafter, it shall hold quarterly meetings at the seat of government in Helena, Montana and shall hold additional meetings if and when the governor shall require it to do so.

Powers and duties.

Section 3. Powers and Duties of the Council. The duties of the council on welfare, health and institutions shall be

(a) Joint consideration of administrative problems and legislative needs which they have in common, particularly but not exclusively, matters of personnel, accounting, purchasing, housekeeping functions, farm management, collection of moneys and treatment of patients and inmates.

(b) The making of studies for the purpose of devising ways and means for more effective coordination of their work and for elimination of duplication and overlapping.

(c) The preparation of reports of studies made by them and recommendations made by them in regard to matters which the governor may bring to their attention or which in their judgment ought to be brought to the attention of the governor.

Approved February 25, 1953.

CHAPTER 87

An Act to Create an Interdepartmental Advisory Council to be Known as the Agriculture and Livestock Council Consisting of the Executive Officer of the Livestock Commission, the Executive Officer of the Livestock Sanitary Board, the Executive Officer of the State Board of Health, the Commissioner of Agriculture, the Executive Secretary of the Milk Control Board and the Executive Secretary of the Poultry Improvement Board for the Purpose of Coordinating the Work of the Several Executive Departments of the State Pertaining to Agriculture and Livestock to the End That Matters of Common Concern to Them May Have Their Joint Consideration and That Duplication and Overlapping May be Eliminated and Administrative Efficiency May be Increased.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. **Creation of the Agriculture and Livestock Council.** There is hereby created an interdepartmental advisory council to be known as the agriculture and livestock council, (hereinafter referred to as the council). It shall be composed of the following public officials: the executive officer of the livestock commission, the executive officer of the livestock sanitary board, the executive officer of the state board of health, the commissioner of agriculture, the executive secretary of the milk control board and the executive secretary of the poultry improvement board.

Agriculture and livestock advisory council created — officials composing.

Section 2. **Organization of the Council.** The council shall organize within thirty (30) days after this act shall take effect by the election of a chairman, secretary and

Organization, meetings.

such other officers as it may deem necessary. Thereafter, it shall hold quarterly meetings at the seat of government in Helena, Montana, and shall hold additional meetings if and when the governor shall require it to do so.

Powers and
duties.

Section 3. **Powers and Duties of the Council.** The duties of the council shall be:

(a) Joint consideration of administrative problems and legislative needs which they have in common, particularly, but not exclusively, relating to regulation and inspection of dairies, manufacture, inspection and distribution of dairy products, movement of livestock and control of diseases of livestock, quarantine and condemnation of diseased cattle and dipping requirements.

(b) The making of studies for the purpose of devising ways and means for more effective coordination of their work, and for elimination of duplication and overlapping, particularly, in the field of regulation and inspection of dairies, manufacture and distribution of dairy products.

(c) The preparation of reports of studies made by them, and recommendations made by them in regard to matters which the governor may bring to their attention, or which in their judgment ought to be brought to the attention of the governor or the legislature.

Approved February 25, 1953.

CHAPTER 88

An Act to Amend Section 3-2313 of the Revised Codes of Montana, 1947, Relating to Licensing of Egg Graders to Increase From One Dollar (\$1) Per Year to Two Dollars and Fifty Cents (\$2.50) Per Year the License Fee Required to be Paid.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 3-2313 (2634.13) of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Licensed egg
graders, who
must employ;
fee for license.

“3-2313. (2634.13) **Licensed Egg Graders.** All whole-sale and retail dealers who handle more than twenty-five (25) cases of eggs per month supplying eggs to consumers

must employ only experienced and licensed graders. The fee for grader's license shall be *two dollars and fifty cents* (\$2.50) per year. All caddlers and graders must pass an examination as required by the commissioner of agriculture. The license shall expire March 31st each year after the date of issuance."

Approved February 25, 1953.

CHAPTER 89

An Act to Amend Section 3-202 of the Revised Codes of Montana, 1947, Relating to Fees to be Paid to State Sealer of Weights and Measures; to Increase the Amounts of Certain of the Fees Therein Provided For.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3-202 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending
clause.

"Section 3-202. **Fees to Be Paid to State Sealer of Weights and Measures.** It shall be the duty of each person, firm, co-partnership, or corporation owning or in possession of a scale or scales to pay to the state sealer of weights and measures or his deputies at the time of *each* inspection of such scale or scales, the following inspection fees: For each railroad track scale the sum of *twelve dollars and fifty cents* (\$12.50); grain shipping hopper scale with a capacity of forty thousand (40,000) pounds or over, *twenty-five* (\$25.00) dollars; wagon scale, truck scale, coal scale, dump scale, automatic or hopper shipping scale, beet scale, and stock scale, up to and including ten (10) ton capacity, *eight* (\$8.00) dollars, *over ten* (10) ton up to and including thirty (30) ton capacity, *twelve* (\$12.00) dollars, *two-section thirty* (30) ton or over capacity, *twenty* (\$20.00) dollars; *three* (3) or more section thirty (30) ton or over capacity, *twenty-five* (\$25.00) dollars; for each dormant platform scale, *meat track scale* and dial scale with a capacity of five hundred (500) pounds to one thousand (1,000) pounds, two (\$2.00) dollars; each portable scale, hanging scale and commercial person weighing scale, one (\$1.00) dollar; grain testers and other small scales used

Fees to be paid
state sealer of
weights and
measures.

for weighing and testing grain in grain elevators, or warehouses, fifty (50¢) cents; all counter scales with a capacity of one (1) to ten (10) pounds, *fifty (50¢) cents*; all counter scales with a capacity of over ten (10) pounds, *one dollar and twenty-five cents (\$1.25)*. The sealer of weights and measures, shall by proper regulation, fix inspection fees for any scales, weights, measures, weighing and computing devices *and for special services* not covered by the foregoing schedule of fees."

Approved February 25, 1953.

CHAPTER 90

An Act to Amend Section 25-231 of the Revised Codes of Montana, 1947, Relating to the Fees Which Must be Charged and Collected by the County Clerks, and Providing for the Fees to be Charged for Recording and Indexing Each Affidavit of Annual Labor on Mining Claims.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 25-231, of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Fees of county
clerks.

"25-231. (4917) **Fees of County Clerks.** The fees of county clerks, which must be charged and collected for the use of their respective counties, are as follows:

For recording and indexing each instrument of writing allowed by law to be recorded; except as hereinafter provided;

For first folio, thirty cents (30¢) and for each subsequent folio or fraction thereof, fifteen cents (15¢);

For each entry in index, ten cents (10¢);

For certificate that such instrument has been recorded with seal affixed, fifty cents (50¢).

For recording and indexing each real estate mortgage, assignment, renewal, or release of real estate mortgage;

For each folio, twenty cents (20¢);

For each entry in index, ten cents (10¢);

For certificate that such mortgage, assignment or release has been recorded with seal affixed, fifty cents (50¢).

For recording and indexing each certificate of location of quartz or placer mining claim, millsite claim, or notice of appropriation of water, including certificate that such instrument has been recorded with seal affixed, two dollars (\$2.00).

For recording and indexing each affidavit of annual labor on mining claim, including certificate that such instrument has been recorded with seal affixed, one dollar (\$1.00) *for the first mining claim in said affidavit, and twenty-five cents (25¢) for each additional mining claim described and included therein.*

Mining claim
affidavits,
where multiple.

For filing and indexing each chattel mortgage, affidavit of renewal of chattel or real estate mortgage, assignment or release of chattel mortgage, a writ of attachment, execution, certificate of sale, lien, or other instrument required by law to be filed and indexed, fifty cents (50¢).

For filing and indexing each certificate of incorporation or annual statement of any corporation, one dollar (\$1.00).

For recording and platting each town site or map:

For each lot up to and including one hundred, twenty-five cents (25¢);

For each additional lot in excess of one hundred, five cents (5¢);

For recording the field notes of survey of any town site, per folio, twenty-five cents (25¢).

For a copy of any record or paper, for each folio, fifteen cents (15¢) and for each certification with seal affixed, fifty cents (50¢); provided, that in all cases where copies of any record or paper are to be certified by the county clerk and such copy is furnished to said clerk for certification, said clerk shall not make a charge nor receive a fee for the comparison of such copy, other than the fee of fifty cents (50¢) for his certificate and seal.

For searching any index record of files of the office, for each year when required, in abstracting or otherwise, fifteen cents (15¢).

For each entry of discharge or satisfaction of mortgage, lien, or other instrument on the margin of record thereof, or upon the original instrument, and noting same in the indexes concerned, twenty-five cents (25¢).

For administering an oath with certificate and seal he shall make no charge.

For taking and certifying an acknowledgment, with seal affixed, for signature thereto he shall make no charge.

For filing or recording or indexing any other instrument not herein expressly provided for, the same fee as hereinbefore provided for a similar service.

On each instrument delivered to him for recording, it shall be the duty of the county clerk to endorse thereon all charges made by him for such service and such endorsement shall be recorded as a part of the instrument in his office in order that the state examiner may verify such charges from time to time and may see that they have been properly entered on the fee book or reception record in the county clerk's office."

Repealing
clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 25, 1953.

CHAPTER 91

An Act to Repeal Section 89-901 and Section 89-902 of the Revised Codes of Montana, 1947, Relating to the Approval and Ratification of the Yellowstone River Compact.

Be it enacted by the Legislative Assembly of the State of Montana:

Repealing
sections 89-901,
89-902,
R.C.M., 1947.

Section 1. That Section 89-901 and Section 89-902 of the Revised Codes of Montana, 1947, be, and the same are hereby repealed.

Effective
immediately.

Section 2. This act shall be in full force and effect from and after its passage and approval.

Approved February 25, 1953.

CHAPTER 92

An Act Relating to the Administration of the Yellowstone River Compact; Defining the Purpose of the Act; Providing for the Filing of Statement With State Engineer of All Appropriative Claims to the Use of Water of Interstate Tributaries of the Yellowstone River Acquired After January 1, 1950; Defining Interstate Tributaries; Providing for the Installation of Measurement Devices; Providing for the Measurement of Water; Authorizing State Engineer to Make Reasonable Rules and Regulations; Authorizing State Engineer to Make Records Available to the Yellowstone River Compact Commission; Providing That County Attorneys Shall Perform Certain Services; Providing for Penalties for Violations; and Repealing of All Acts or Parts of Acts in Conflict With the Provisions of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. **Purpose of the Act.** Under the provisions of the Yellowstone river compact (Chapter 39, Laws of Montana, 1951) all appropriative rights to the beneficial uses of the waters of the interstate tributaries of the Yellowstone river, existing in each signatory state as of January 1, 1950, have been recognized and shall continue to be enjoyed in accordance with the laws governing the acquisition and use of water under the doctrine of appropriation. All appropriative rights to the beneficial uses of the waters of the interstate tributaries of the Yellowstone river acquired after January 1, 1950, are subject to distribution in the states of Montana and Wyoming in accordance to the percentages in the different basins as provided in subdivisions B and C of article V of said compact. The purpose of this act is to provide the means to determine the various appropriative rights to the beneficial uses of water of the interstate tributaries of the Yellowstone river, acquired after January 1, 1950, and the quantity of water diverted and used by each such appropriator during each year, to enable the State of Montana and the Yellowstone river compact commission to comply with and to administer the percentage allocations as provided in subdivisions B and C of article V of said compact.

Purpose of
act stated.

Terms defined.

Section 2. **Definitions.** As used in this act, the following terms shall have the following meaning:

(a) The term "person" shall mean any person, corporation, partnership, association, municipal corporation, agency and all others authorized by the laws of the State of Montana to appropriate water for beneficial uses. Where the singular is used it shall be construed to include the plural.

(b) The term "interstate tributaries" or "interstate tributary" shall mean the following described rivers which contribute to the flow of the Yellowstone river in the State of Montana, including all tributaries thereof: the Clark Fork of the Yellowstone river; the Big Horn river (except the Little Big Horn river); the Tongue river; and the Powder river, whose confluences with the Yellowstone river are respectively at or near the city (or town) of Laurel, Big Horn, Miles City, and Terry, all in the State of Montana.

(c) The term "domestic use" shall mean the use of water by an individual, or by a family unit or household for drinking, cooking, laundering, sanitation and other personal comforts and necessities; and for the irrigation of a family garden or orchard not exceeding one-half acre in area.

(d) The term "stock water use" shall mean the use of water for livestock and poultry.

(e) The term "divert" and "diversion" shall mean the taking or removing of water from any interstate tributary or any tributary thereof, when the water so taken or removed is not returned directly into the channel of the interstate tributary or of the tributary thereof from which it is taken.

Section 3. **To File Written Statement With the State Engineer.** Any person claiming an appropriative right to the use of any water of any interstate tributary which right was acquired after January 1, 1950, shall within sixty days after the approval of this act, or before he diverts any water, file with the state engineer at his office in Helena, Montana, a written statement containing the following information:

Water rights
acquired after
Jan. 1, 1950,
written
statement
required.

- (a) The name of the claimant and his address.
- (b) Date of appropriation or the date when the water was first applied to a beneficial use.
- (c) The quantity of water claimed.
- (d) The name of the stream, river or other source of water from which the diversion is made, if it has a name, and if it does not, such a description as will identify the same.
- (e) The purpose for which the water is claimed and the place of intended use.
- (f) The means of diversion.
- (g) Whether or not a weir or other device for measuring the water intended to be diverted has been installed in his ditch or other means of diversion.
- (h) If a notice of appropriation was filed with the county clerk and recorder, as provided by Section 89-810, Revised Codes of Montana, 1947, the name of the county where it was filed.
- (i) Whether the appropriation was made from an adjudicated or non-adjudicated stream, river or other source of water.

The written statement shall be verified by the affidavit of the claimant or someone in his behalf, which affidavit must state that the matters and facts contained in the written statement are true.

Section 4. Duty to Install Weir or Other Measuring Device. Any person claiming an appropriative right to use any waters of any interstate tributary of the Yellowstone river which right was acquired subsequently to January 1, 1950, shall, after the approval of this act and before he diverts any such water, install in his ditch, or other means of diversion, a weir or other measuring device so that all of the water to be diverted by him can be accurately measured. The installation of a weir or other measuring device is subject to the approval of the state engineer, and if in his judgment such weir or other measuring device, or the installation of the same, is defective so that the water cannot be accurately measured, he may order the installation of an accurate measuring device and the claim-

Rights after
Jan. 1, 1950,
claimant to
install meas-
uring device.

ant shall not divert any water until he complies with such order.

Duty to
measure
water.

Section 5. **Duty to Measure Water.** It shall be the duty of every said claimant to measure all the water being diverted by him and to keep accurate records thereof on forms prescribed and furnished by the state engineer, and within fifteen days after the first day of November of each year to file such written records with the state engineer at his office in Helena, Montana.

Preserving
rights acquired
prior to Jan. 1,
1950.

Section 6. **Rights Acquired Prior to January 1, 1950 Not to be Impaired by Nor Subject to the Act.** The rights to the beneficial use of any water of any interstate tributary of the Yellowstone river, acquired prior to and including January 1, 1950, shall not be impaired by nor subject to this act.

Excluding
domestic and
stock uses.

Section 7. **Domestic and Stock Uses Not Within the Act.** Any appropriation of water from any interstate tributary of the Yellowstone river made for domestic or stock water uses shall not come within the provisions of this act, provided, that the capacity of any reservoir for stock water shall not exceed twenty acre feet.

State engineer
to make rules
and
regulations.

Section 8. **State Engineer to Make Rules and Regulations.** The state engineer shall prescribe and enforce reasonable rules and regulations consistent with this act and the Yellowstone river compact.

Application
of act.

Section 9. **Act Applies to Adjudicated and Non-Adjudicated Waters.** The provisions of this act shall apply to both adjudicated and non-adjudicated waters of the interstate tributaries of the Yellowstone river.

State engineer
to make
records
available to
compact
commission.

Section 10. **State Engineer to Make Record Available.** The state engineer shall furnish and make available to the Yellowstone river compact commission, from the records filed in his office, all appropriative rights to the use of the waters of the interstate tributaries of the Yellowstone river in the State of Montana, acquired after January 1, 1950, the amount of the annual diversions from said interstate tributaries and any other information that his records may disclose as may be required by the Yellowstone river compact commission.

County
attorneys
to give legal
assistance to
state engineer.

Section 11. **County Attorneys to Perform Certain Services.** The county attorneys of the state shall per-

form such legal services and bring such proceedings in carrying out the purposes of this act within their respective counties as the state engineer shall require.

Section 12. **Penalty.** Any person who violates or refuses or neglects to comply with any provision of this act, or any order, rule or regulation promulgated by the state engineer pursuant thereto or the Yellowstone river compact, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five dollars (\$25.00) nor more than two hundred dollars (\$200.00) for each offense.

Penalty.

Sections 13. **Saving Clause.** If any provision of this act, or the application thereof to any person or circumstance, is held unconstitutional, the remainder of the act, or the application of such provisions to other persons or circumstances, shall not be affected thereby.

Severability.

Section 14. **Repealing Clause.** All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Repealing clause.

Section 15. **Effective Date of Act.** This act shall be in full force and effect upon its passage and approval.

Effective immediately.

Approved February 25, 1953.

CHAPTER 93

An Act to Amend Section 82-2502 of the Revised Codes of Montana, 1947; to Provide That the Records, Property, Duties and Personnel of the Custodian of Records of the Grand Army of the Republic and the United Spanish War Veterans be Transferred to the State Historical Society; and to Repeal Sections 82-2501, 82-2503 and 82-2505 of the Revised Codes of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Sections 82-2501, 82-2503 and 82-2505 of the Revised Codes of Montana, 1947, be, and the same are hereby repealed.

Repealing sections 82-2501, 82-2503, 82-2505, R.C.M., 1947.

Section 2. That the duties, personnel, records and property of the custodian of records of the Grand Army of the

Transfer of duties, records, et al. to state historical society.

Republic and United Spanish War Veterans, be, and the same are hereby transferred to the State Historical Society.

Amending
clause.

Section 3. That Section 82-2502, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Historical
society to
provide room
for safekeeping
records.

“82-2502 (321) **Room for Storing and Safekeeping of Records.** *The board of trustees of the Historical Society of Montana is hereby authorized and directed to set apart a suitable room in the buildings under their jurisdiction for the storing and safekeeping of such archives, records, etc., of the Grand Army of the Republic, and the United Spanish War Veterans and said room shall be suitably furnished, and the librarian for the State Historical Society of Montana shall be custodian of said archives, records, etc.*”

Repealing
clause.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 25, 1953.

CHAPTER 94

An Act to Amend Sections 32-1701, 32-1702, 32-1703, of the Revised Codes of Montana, 1947, to Abolish the State Highway Traffic Advisory Committee and Transfer the Records, Duties, and Powers of Said Committee to the Director of the Civil Defense Agency, to Repeal Sections 32-1704 and 32-1705.

Be it enacted by the Legislative Assembly of the State of Montana:

Repealing
secs. 32-1704,
32-1705,
R.C.M., 1947.

Section 1. That Sections 32-1704 and 32-1705, Revised Codes of Montana, 1947, are hereby repealed.

Amending
clause.

Section 2. That Section 32-1701 of the Revised Codes of Montana, 1947, be amended to read as follows:

Abolition state
highway
traffic ad-
visory comm.,
transfer duties,
et al. to civil
defense
director.

“32-1701. **State Highway Traffic Advisory Committee Abolished.** *The state highway traffic advisory committee is hereby abolished and the records, duties and powers of said committee are hereby transferred to the director of the civil defense agency (hereinafter referred to as the director).*”

Section 3. Section 32-1702, Revised Codes of Montana, 1947, is hereby amended to read as follows:

Amending
clause.

“32-1702. **Powers and Duties.** The said *director* is hereby vested with the following powers and duties:

Powers and
duties, director
of civil defense.

(a) To cooperate with the agencies of this and other states and of the federal government which are connected with national defense, in the formulation and execution of plans for the rapid and safe movement over the highways of troops, vehicles of a military nature, and materials affecting the national defense.

(b) To coordinate the activities of the Montana highway commission, the Montana highway patrol, and the registrar of motor vehicles in a manner which will best serve to effectuate any such plan for the rapid and safe movement of troops, vehicles and materials as referred to in paragraph (a) of this section.

(c) To solicit the cooperation of officials of the various political subdivisions of the state in the proper execution of such plans.

(d) To take an inventory, by counties, of the trucks and buses in the state, publicly and privately owned, which would be available in case of emergency affecting the national defense.”

Section 4. Section 32-1703, Revised Codes of Montana, 1947, is hereby amended to read as follows:

Amending
clause.

“32-1703. **Highway Safety and Driver Training Program.** The *director* may, in conjunction with any interested public or private agencies, conduct a highway safety and driver training program as an aid to the national defense.”

Director to
conduct high-
way safety
and driver
training
program.

Approved February 25, 1953.

CHAPTER 95

An Act to Create an Inter-departmental Advisory Council to be Known as the Council on Natural Resources, Consisting of the Commissioner of State Lands and Investments, State Game Warden, State Forester, Secretary

of the Grass Conservation Commission, State Engineer, Executive Secretary of the Oil Conservation Board, Director of the State Bureau of Mines and Geology, and State Highway Engineer, for the Purpose of Coordinating the Work of the Several Executive Departments of the State Pertaining to Natural Resources and Development, to the End That Matters of Common Concern to Them May Have Their Joint Consideration, That Duplication and Overlapping May be Eliminated and Administrative Efficiency Increased.

Be it enacted by the Legislative Assembly of the State of Montana:

Natural
resources and
development
advisory
council created,
officers
composing.

Section 1. Creation of Inter-departmental Advisory Council. There is hereby created an inter-departmental advisory council, to be known as the council on natural resources and development (hereinafter referred to as the "council"). It shall be composed of the following: The commissioner of state lands and investments, state game warden, state forester, secretary of the grass conservation commission, state engineer, executive secretary of the oil conservation board, director of the state bureau of mines and geology, and state highway engineer.

Organization,
meetings.

Section 2. Organization of the Council. The council shall organize within thirty (30) days after this act shall take effect by the election of a chairman, secretary and such other officers as it may deem necessary. Thereafter, it shall hold quarterly meetings at the seat of government in Helena, Montana, and shall hold additional meetings if and when the governor shall require it to do so.

Powers
and duties.

Section 3. Powers and Duties of the Council. The duties of the council shall be

(a) Joint consideration of the administrative problems and legislative needs which they have in common particularly, but not exclusively, in regard to natural resources, forestry, land management, state parks, fish and game work, highway construction, and water pollution and floods.

(b) The making of studies for the purpose of devising ways and means for effective coordination of their work, elimination of duplication and overlapping and increased efficiency of administration.

(c) The preparation of reports and recommendations in regard to matters which the governor may bring to their attention or which, in their judgment, ought to be brought to the attention of the governor.

Approved February 25, 1953.

CHAPTER 96

An Act to Amend Section 53-113 (1758.5) Revised Codes of Montana, 1947, Pertaining to Lost Certificates of Registration of Ownership of Automobiles, and Obtaining Duplicates Thereof, and Providing That the Fee for Same Shall be One Dollar (\$1.00).

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 53-113 (1758.5) be amended to read as follows:

Amending clause.

“53-113. (1758.5) **Lost Certificates.** In the event any certificate of registration or ownership shall be lost, mutilated or become illegible, the persons to whom the same shall have been issued shall immediately make application for and may obtain a duplicate thereof, upon furnishing satisfactory information to the registrar of such facts and upon payment of a fee of *one dollar* (\$1.00).”

Lost certificates — fee.

Approved February 25, 1953.

CHAPTER 97

An Act to Provide That the Division of the Department of Agriculture Known as the Division of Horticulture Shall Hereafter be Known and Designated as the Horticulture Inspection and Quarantine Service.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the division of the department of agriculture heretofore referred to and usually known and designated as the “division of horticulture” shall hereafter be known and designated as the “horticultural inspection and quarantine service”, and wherever the term “division of horticulture” may appear or be used in any section

“Division of horticulture” changed to “horticultural inspection and quarantine service.”

of the Revised Codes of Montana, 1947, or any act amendatory thereof or supplemental thereto, it shall be deemed and construed to refer to and mean the "horticultural inspection and quarantine service"; provided, that such change in name shall not be construed so as to, in any manner whatever, impair or work a forfeiture of any property or rights of such division, or of the State of Montana.

Repealing
clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective
immediately.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 25, 1953.

CHAPTER 98

An Act to Amend Section 82-1011 (218) of the Revised Codes of Montana, 1947, Relating to Salary and Expenses of the State Examiner, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 82-1011 (218), of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

State examiner,
salary and
expenses.

"Section 82-1011 (218). **Salary and Expenses.** The salary of the state examiner, for all services rendered in any capacity whatever, shall be *seven thousand dollars (\$7000.00)* per year, and in addition thereto the state shall pay the necessary office and travel expenses of himself and assistants."

Repealing
clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective
immediately.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 25, 1953.

CHAPTER 99

An Act to Legalize and Regulate the Commerce Within the State of Montana of Oleomargarine Colored Yellow; by Amending Section 1 of Chapter 138 of the Laws of Montana, 1949, so as to State the Purposes of This Act; by Amending Section 3 of Chapter 138 of the Laws of Montana, 1949, to Provide Such Product May be Manufactured, Sold, Offered or Exposed for Sale, Transported, Served in Public Eating Places, and Possessed With Intent to Sell as Provided in This Act; by Repealing Sections 4 and 6 of Chapter 138 of the Laws of Montana, 1949, Which Prescribed Certain Penalties and the Procedure for Condemnation of Yellow Oleomargine; by Providing for Identification of Yellow Oleomargarine When it is Served in Public Eating Places; by Regulating the Advertising of Yellow Oleomargarine; by Amending Section 3-2437, Revised Codes of Montana, 1947, Relating to the Use of Certain Products in State Institutions, by Removing Therefrom the Prohibition Against Oleomargarine; by Amending Section 3-2443, Revised Codes of Montana, 1947, Containing Definitions and Relating to the Use and Regulation of Coloring Matter, by Deleting Therefrom the Definitions Therein and Prohibiting the Use of Poisonous Coloring Matter in Oleomargarine; by Repealing Sections 3-2435, 3-2473, 3-2474, and 3-2475, Revised Codes of Montana, 1947, and All Acts and Parts of Acts in Conflict Herewith; Providing Sections 2, 5, and 7 Through 20, Chapter 138 of the Laws of Montana, 1949, and Section 3-2444, Revised Codes of Montana, 1947, Are Not Amended or Altered in Any Way; Providing for the Severability of the Provisions of This Act; and Providing an Effective Date for This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1 of Chapter 138 of the Laws of Montana, 1949, be, and the same is hereby amended to read as follows:

Amending
clause.

“Section 1. **Short Title and Legislative Intent.** This act shall be cited as the ‘oleomargine law’, and is intended to legalize, and regulate the commerce within the State of Montana of oleomargarine, both white and colored and to

Title and
intent of act.

protect consumers from confusion, deception, and unfair trade practices in the traffic in yellow oleomargarine."

Amending
clause.

Section 2. That Section 3 of Chapter 138 of the Laws of Montana, 1949, be amended to read as follows:

Prohibited
acts.

"Section 3. **Prohibited Acts.** The manufacture, sale, offering or exposing for sale, transportation, serving in a public eating place, having in possession with intent to sell of yellow oleomargarine *except in the manner provided by this act are hereby prohibited.*"

Regulation of
serving of
yellow
oleomargarine
in public
eating places.

Section 3. **Serving of Yellow Oleomargarine in Public Eating Places Regulated.** No person shall possess in a form ready for serving yellow oleomargarine at a public eating place unless a notice that oleomargarine is served is displayed prominently and conspicuously in such place and in such manner as to render it likely to be read and understood by the ordinary individual being served in such eating place or is printed or is otherwise set forth on the menu in type or lettering not smaller than that normally used to designate the serving of other food items. No person shall serve yellow oleomargarine at a public eating place, whether or not any charge is made therefor, unless (1) each separate serving bears or is accompanied by a labeling identifying it as oleomargarine, or (2) each separate serving thereof is triangular in shape.

Regulation of
advertising of
oleomargarine.

Section 4. **Advertising of Oleomargarine Regulated.** No person shall, in any advertising of oleomargarine, make any representation or suggestion by statement, word, grade designation, design, device, symbol, sound, or any combination thereof, that such oleomargarine is a dairy product, except that nothing herein contained shall prohibit any person from describing any or all of the ingredients used in the manufacture of oleomargarine.

Amending
clause.

Section 5. That Section 3-2437 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Prohibition
of use of cer-
tain products
in state
institutions.

"3-2437. **Use of Certain Products in State Institutions Prohibited.** No renovated butter, *and no* condensed milk from which the butter fat has been removed, and a vegetable or other oil has been substituted therefor, shall be used in any of the educational, charitable, hospital, medical, reformatory or penal institutions maintained by the State

of Montana, or which receives from the State of Montana any money, appropriation or financial assistance, whatsoever.”

Section 6. That Section 3-2443 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending
clause.

“3-2443. *Use of Coloring Matter Regulated.* No person shall coat, powder or color with annatto or any coloring matter whatsoever, any product or manufacture made in whole or in part from animal fats or animal and vegetable oils not produced from unadulterated milk or cream by which means such product, manufacture, or compound shall resemble cheese, the product of the dairy; nor shall he have the same in his possession with the intent to sell, nor shall he sell or offer the same for sale. No person or persons shall manufacture, sell or expose for sale any poisonous coloring matter for coloring of dairy food products of any kind, nor shall any person or persons use in dairy products or *oleomargarine* any poisonous coloring matter manufactured, sold, offered or exposed for sale within the state, nor shall any person or persons sell, offer or expose for sale any dairy food product or *oleomargarine* containing such poisonous coloring matter.

Regulation of
use of coloring
matter.

“Oleomargarine shall be sold in packages or cartons containing net weight of sixteen (16) ounces or one (1) or two (2) pound packages.”

For the purpose of the act, any requirements herein contained with respect to the use of the word oleomargarine shall be deemed sufficiently complied with by the word margarine.

Section 7. **Penalty.** Any person, firm, or corporation who, either directly or indirectly, or by his or its servant, agent, or employee, shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than three hundred dollars (\$300.00) or by imprisonment in the county jail for not more than ninety (90) days, or by both such fine and imprisonment.

Penalty.

Section 8. **Severability.** If any section, subdivision, or sentence of this act is determined by a court of competent jurisdiction to be unconstitutional, it shall not affect the remaining provisions of this act.

Severability.

Certain
sections
repealed.

Section 9. **Repealing Clause.** Sections 4 and 6 of Chapter 138 of the Laws of Montana, 1949, Sections 3-2435, 3-2473, 3-2474, and 3-2475, Revised Codes of Montana, 1947, and all acts and parts of acts in conflict herewith are hereby repealed; provided, however, it is the specific intention that Sections 2, 5, and 7 through 20, Chapter 138 of the Laws of Montana, 1949, and Section 3-2444, Revised Codes of Montana, 1947, are not amended or altered in any way by the passage of this act, but remain in full force and effect.

Effective
immediately.

Section 10. **Effective Date.** This act shall be in full force and effect from and after its passage and approval.

Approved February 27, 1953.

CHAPTER 100

An Act Relating to the Preservation of Business and Public Records by the Preparation of Photographic Copies Thereof, Providing That the Originals Thereof May be Destroyed Under Certain Conditions and That Such Copies May be Used in Place of the Original.

Be it enacted by the Legislative Assembly of the State of Montana:

Photographic
copies valid
record, when.

Section 1. If any business, institution, member of a profession or calling, or any department or agency of government, in the regular course of business or activity has kept or recorded any memorandum, writing, entry, print, representation or combination thereof, of any act, transaction, occurrence or event, and in the regular course of business has caused any or all of the same to be recorded, copied or reproduced by any photographic, photostatic, microfilm, micro-card, miniature photographic, or other process which accurately reproduces or forms a durable medium for so reproducing the original, the original may be destroyed in the regular course of business unless held in a custodial or fiduciary capacity or unless its preservation is required by law. Such reproduction, when satisfactorily identified, is as admissible in evidence as the original itself in any judicial or administrative proceeding, whether the original is in existence or not, and an enlargement or facsimile of such reproduction is likewise admissible in

Exception.

evidence, if the original reproduction is in existence and available for inspection under direction of court. The introduction of a reproduced record, enlargement or facsimile, does not preclude admission of the original.

Evidentiary
value.

Section 2. This act shall be so interpreted and construed as to effectuate its general purpose of making uniform the law of those states which enact it.

Uniform
interpretation
of act.

Section 3. All acts or part of acts which are inconsistent with the provisions of this act are hereby repealed.

Repealing
clause.

Approved February 28, 1953.

CHAPTER 101

An Act to Amend Section 4 of Chapter 194, Laws of 1951; Providing for Standardized Classifications of Expenditures in Operating Budgets; Defining Classifications; Requiring That Such Standardized Classifications be Applied in the Preparation of All Operating Budgets; by Adding Subsection (c) Providing for a Quarterly Allotment System of Expenditures as to Certain Offices; Departments, Bureaus, Commissions, Institutions or Agencies When Authorized by the Governor; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4 of Chapter 194, Laws of 1951, be, and the same is hereby amended to read as follows:

Amending
clause.

“Section 4. **Duties of Controller — Expenditure Control.** (a) The controller shall establish a system of financial control to the end that the functioning of the various departments of the state may be improved, that duplications of work done by different state departments and employees may be eliminated, the public service improved, and the cost of government reduced; and to that end the administrative head of each and every state office, department, bureau, commission, institution and agency (excepting the governor) shall, not more than thirty (30) days after the appointment of the controller in the year 1951, make, prepare and deliver or transmit to the controller a complete operating budget for the fiscal year

Duties of
controller.

Operating
budgets to
be prepared
and delivered
to controller.

Control of
budgets by
controller.

beginning July 1, 1951, and shall annually thereafter, not later than sixty (60) days prior to the close of each fiscal year, prepare and deliver or transmit to the controller a complete operating budget for the next succeeding fiscal year. Such budget shall be in such form as shall be prescribed by the controller, and shall include for each year a final estimate of revenues and income, if any, which will accrue to such office, department, bureau, commission, institution or agency in addition to the appropriation made therefor by the legislative assembly. It shall be the duty of the controller to examine said budgets, and in the event the total of the proposed expenditures set forth in any thereof shall exceed the total of the revenues and appropriations available to meet such expenditures in said year, then the state controller shall reduce the amount of the items of expenditure in each such budget to an amount no greater than the total of the revenues and appropriations available to pay the same. No office, department, bureau, commission, institution or agency shall expend any moneys in excess of the amount of the expenditures set forth in the operating budget thereof, as finally approved by the state controller.

Standardized
classifications
established.

“For the purpose of standardizing classifications of expenditures in the operating budget of all departments, bureaus, commissions, institutions and agencies, the administrative head charged with the duty of making, preparing and delivering or transmitting to the controller a complete operating budget, is hereby directed to apply the following classifications of expenditures thereto:

“(1) The classification of ‘salaries and wages’ including expenditures for personal services of whatever nature rendered by persons regularly or seasonally employed, excluding salaries and wages in connection with ‘capital outlay’.

“(2) The classification of ‘maintenance and operation’ including all expenditures which are necessary for the operation of the office, department, bureau, commission, institution or agency to which the expenditure applies not included in ‘salaries and wages’, ‘repairs and replacements’ or ‘capital outlay’.

“(3) The classification of ‘repairs and replacements’ including expenditures for the repair of any capital asset,

including buildings or lands, and expenditures for the replacing of any capital asset by the purchase of a new one to take its place by reason of the original being worn out or broken.

“(4) The classification of ‘capital outlay’ including all expenditures for land and its improvements, including building and structures and major alterations and additions thereto, including salaries and wages in connection therewith, and first cost of vehicles, domestic animals, machinery, apparatus, equipment and furniture, including major alterations and additions thereto, which will have a useful life of service substantially more than two years.

“(b) It shall be the duty of the controller to apply expenditures against cash funds wherever possible before using the general fund appropriations.

Power of
controller and
governor over
expenditures of
appropriations.

“(c) The controller may, when authorized by the governor, require a quarterly allotment system of expenditure for any office, department, bureau, commission, institution or agency. The amount of the respective appropriation made by the legislative assembly shall then, except with respect to items of capital outlay and repairs and replacement, be made available to such office, department, bureau, commission, institution or agency in quarterly allotments, provided, however, that the quarterly allotment shall be based on the requirements of that office, department, bureau, commission, institution or agency during that quarter based on previous experience of that office, department, bureau, commission, institution and agency and not on a pro rata quarterly basis.”

Section 2. That all acts and parts of acts in conflict herewith are hereby repealed.

Repealing
clause.

Approved February 28, 1953.

CHAPTER 102

An Act to Amend Section 87-117 of the Revised Codes of Montana, 1947, to Provide That Appointments to the Unemployment Compensation Commission Shall be Made by the Governor and With the Consent of the Senate; That Not More Than Two Members Shall be From the Same Political Party, for a Term of Four Years Each

Provided That the Term of One of Those First Appointed After This Act Takes Effect Shall be for Two Years.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 87-117 of the Revised Codes of Montana, 1947, be amended to read as follows:

Organization,
terms,
unemployment
compensation
commission.

“Section 87-117. **Unemployment Compensation Commission — Organization.** There is hereby created a commission to be known as the unemployment compensation commission of Montana. The commission shall consist of three (3) members who shall be appointed by the governor *by and with the advice and consent of the senate.* Two (2) of the members of the commission *shall be from different political parties and shall serve for terms of four (4) years, provided, however, that one (1) of those first appointed after this act takes effect shall serve for a term of two (2) years.* They shall serve on a per diem basis and shall be paid at the rate of ten dollars (\$10.00) per day of service plus actual and necessary expenses, provided, however, that the total per diem compensation in any one (1) year for each of said two (2) members shall not exceed the sum of five hundred dollars (\$500.00). The third member of the commission, who shall be designated as chairman at the time of his appointment, shall be paid a full-time salary in an amount to be fixed by the governor and shall be the executive director. During his term of membership on the commission, no member shall serve as an officer or committee member of any political party organization. The governor may, at any time, after notice and hearing, remove any commissioner for neglect of duty, malfeasance, misfeasance or nonfeasance in office.

Repealing
clause.

Section 2. That all acts and parts of acts in conflict herewith be and the same are hereby repealed.

Effective
immediately.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 28, 1953.

CHAPTER 103

An Act to Amend Section 93-6207 of the Revised Codes of Montana, 1947, Relating to the Issuance of an Order

for the Service of Summons in an Action to Quiet Title to Real Property Upon All Unknown Claimants, by Publication and Relating to the Affidavit of Due Diligence in seeking Unknown Claimants Which is a Prerequisite to Such Order and Providing for the Contents and Effect of Such Affidavit and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 93-6207 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending
clause.

“93-6207. (9483) **Order for Publication of Summons — How Obtained — Affidavit.** The plaintiff *or his attorney* may obtain an order for the service of summons upon all unknown claimants or possible claimants by publication, upon filing with the clerk of court an affidavit *stating* that he has made diligent search and inquiry for all persons who claim, or might claim, any right, title, estate, or interest in, or lien, or encumbrance upon, such real property, or any thereof, adverse to plaintiff's ownership, or any cloud upon plaintiff's title thereto, whether such claim or possible claim be present or contingent, including any right of dower, inchoate or accrued, and has specifically named as defendants in such action all such persons whose names can be ascertained; *a statement in such affidavit that said affiant has so made diligent search and inquiry shall be sufficient if made in the words of this statute and it need not detail, in any respect the acts constituting such diligent search and inquiry.* One affidavit and order for service by publication may be made to include all defendants, known and unknown, upon whom such service is sought, and in such event but one (1) summons shall be published, and the same shall be directed to all defendants upon whom such summons shall be served by publication; but no order for service by publication shall be made until proof of the filing of the notice of the pendency of such action, in accordance with the provisions of section 93-6205, has been made to the court. That the order above provided for may be issued by either the judge or the clerk of the court, and any order for the service of summons by publication in quiet title actions which may have been heretofore issued or made by the clerk of the court is hereby declared to be

Order for
publication of
summons —
how obtained;
affidavit —
form and
content.

valid and of the same force and effect as if the same had been issued or made by the judge of the court.”

Repealing
clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective
immediately.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 28, 1953.

CHAPTER 104

An Act to Amend Section 23-1302 and Section 23-1303, of the Revised Codes of Montana, 1947, Relating to Application of Absentee or Physically Incapacitated Persons and Persons Serving With or Attached to the Armed Forces of the United States, for Ballot; Prescribing the Form of Application for Such Ballot, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 23-1302 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Application
for absentee
ballot — time
and eligibility.

“23-1302. (716) **Application of Absentee or Physically Incapacitated Person for Ballot.** At any time within *forty-five (45)* days next preceding such election, any voter expecting to be absent on the day of election from the county in which his voting precinct is situated, *or serving in the armed services of the United States or in the merchant marines of the United States, or who is a civilian outside the United States officially attached to and serving with the armed forces of the United States,* or who as a result of physical incapacity, in all probability will be unable to attend his voting precinct poll as made to appear by the certificate of a physician licensed under the laws of Montana, plainly stating the nature of the physical incapacity of the applicant, and certifying (a) that such incapacity will continue beyond the day of the election for which the application is made; (b) to the extent of reasonably preventing applicant from going to the polls, bodily health considered, may make application to the county clerk of such county, or to the city or town clerk, in the case of a

municipal, general, or primary election, for an official ballot or official ballots to be voted at such election as an absent or physically incapacitated voter's ballot or ballots."

Section 2. That Section 23-1303 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending
clause.

"23-1303 (717) **Form of Application.** Application for such ballots shall be made on a blank to be furnished by the county clerk of the county of which the applicant is an elector, or the city or town clerk, if it be municipal, general, special or primary election, and shall be in substantially the following form:

Form of
application,
acknowledg-
ment.

"I, _____, a duly qualified elector of the _____ precinct, in the county of _____, and State of Montana, and am to the best of my knowledge and belief entitled to vote in such precinct in the next election, expecting to be absent from said county or, in all probability, to be physically incapacitated from going to my precinct poll on the day for holding such election, hereby make application for an official ballot to be voted by me at the said election.

Post office address to which ballot is to be mailed

State of _____ }
County of _____ } ss.

On this _____ day of _____, personally appeared before me _____, who being first duly sworn, deposes and says that he is the person who signed the foregoing application, that he has read and knows contents of same and knows to his own knowledge the matters and things therein stated are true.

_____ "

"This application must be subscribed by the applicant and sworn to before some officer authorized to administer oaths, and the application shall not be deemed complete without this affidavit.

"Application for such ballot by any voter in the armed services of the United States or in the merchant marines

of the United States, or who is a civilian outside the United States officially attached to and serving with the armed forces of the United States may be made upon a post card, addressed to the county clerk of the county of the residence of said voter, and substantially in the form as is provided by Section 329 (a) Title 50 of the United States Code Annotated, and shall be subscribed and sworn to by such voter, before a commissioned officer, or other persons authorized to administer and attest the oath."

Repealing
clause.

Section 3. That all acts and parts of acts in conflict herewith are hereby repealed.

Effective
immediately.

Section 4. This act shall be in full force and effect upon its passage and approval.

Approved February 28, 1953.

CHAPTER 105

An Act to Amend Title 91, Section 4414 (91-4414), of the Revised Codes of Montana, 1947, by Amending Subsection (1), Relating to Inheritance Tax and Transfers Totally Exempt.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Title 91, Section 4414 (91-4414) of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Exemptions
from first
\$25,000.00.

"91-4414. (10400.4) **Exemptions From First \$25,000.** The following exemptions from the tax are hereby allowed, the exemption allowed to each person, institution, association, corporation and body politic to be taken out of the first twenty-five thousand dollars passing by any such transfer to such person, institution, association, corporation or body politic:

Adding certain
private
orthopedic
hospitals.

"(1) Transfers totally exempt. All property transferred to the state or any of its institutions, or to municipal corporations within the state for strictly county, city, town, or municipal purposes, or to corporations or voluntary associations of this state organized under its laws solely for religious, charitable, educational or other public purposes, which shall use the property so transferred exclusively for the purpose of their organization within the

state, and all transfers to any privately owned hospital for crippled children within the United States, primarily practicing orthopedics, to which crippled or afflicted children from the State of Montana are, without discrimination, gratuitously admitted and treated, shall be exempt.

“(2) \$17,500; \$5,000; \$2,000 exempt, when. Property of the clear value of seventeen thousand five hundred dollars, transferred to the wife, or five thousand dollars transferred to the husband of the decedent, and two thousand dollars transferred to each of the other persons described in the first subdivision of section 91-4409 shall be exempt. Such exemption to the widow shall include all her statutory dower and other allowances. Any child of the decedent shall be entitled to credit for so much of the tax paid by the widow as applied to any property which shall thereafter be transferred by or from such widow to any such child, provided the widow does not survive said decedent to exceed ten years.

Exemptions
from
\$17,500.00,
\$5,000.00,
\$2,000.00.

“(3) \$500 exempt, when. Property of the clear value of five hundred dollars transferred to each of the persons described in the second subdivision of section 91-4409 shall be exempt.

Exemption
from \$500.00.

“(4) Property without the state exempt, when. No tax shall be imposed upon any tangible personal property of a resident decedent when such property is located without this state, and when the transfer of such property is subject to an inheritance or transfer tax in the state where located and which tax has actually been paid, secured or guaranteed, provided such property is not without this state temporarily nor for the sole purpose of deposit or safekeeping; and provided the laws of the state where such property is located allow a like exemption in relation to such property left by a resident of that state and located in this state.”

Out-of-state
property.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Repealing
clause.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Effective
immediately.

Approved February 28, 1953.

CHAPTER 106

An Act to Submit to the Qualified Electors of the State of Montana, an Amendment to Section 9 of Article VII of the Constitution of the State of Montana, Relating to the Power of the Governor to Grant Pardons, to Remit Fines and Forfeitures, to Grant Commutation of Punishment and Respites After Conviction and Judgment for Any Offenses Committed Against the Criminal Laws of the State; Providing, That Before Granting Pardons, Remitting Fines and Forfeitures or Commuting Punishments, That the Action of the Governor Concerning the Same Shall be Taken Upon the Advice of a Board, or a Majority Thereof, Who Shall be Known as the Board of Pardons; and Providing Further That the Legislative Assembly, Shall by Law, Prescribe for the Appointment and Composition of Said Board of Pardons, Its Powers and Duties; and to Regulate the Proceedings Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Proposing
constitutional
amendment.

Section 1. That Section 9 of Article VII of the Constitution of the State of Montana be amended as hereinafter provided and that the question of such amendment be submitted to the qualified electors of the State of Montana at the next general election.

Amendment
Art. VII,
Sec. 9.

Section 2. That Section 9 of Article VII of the Constitution of the State of Montana be, and the same is hereby, amended to read as follows:

Advisory board
to governor
in pardons,
commutations,
respites.

“Section 9. The governor shall have the power to grant pardons, absolute or conditional, and to remit fines and forfeitures, and to grant commutation of punishments and respites after conviction and judgment for any offenses committed against the criminal laws of the state; provided, however, that before granting pardons, remitting fines and forfeitures, or commuting punishments, the governor shall be advised concerning the same and that such action has been approved by a board, or a majority thereof, who shall be known as the board of pardons. The legislative assembly shall by law prescribe *for the appointment and composition of said board of pardons, its powers and duties; and regulate the proceedings thereof.*”

Section 3. This amendment shall be submitted to the qualified electors at the general election to be held in November 1954, in the manner provided by law, and there shall be printed on such ballot the title of this act, and immediately below the title of this act upon said ballot the following:

Submission of
amendment
to voters, 1954
general
election.

“☐ For the above amendment.”

“☐ Against the above amendment.”

The elector shall designate his preference for either of these propositions by making an “X” in the square before the proposition for which he desires to vote.

Section 4. The votes cast for and against the amendment herein proposed shall be counted, canvassed, and determined by such officials and in such manner as provided by law, and if a majority of all votes cast at such election for and against such amendment shall be in favor of such amendment, the governor of the state shall so declare by public proclamation, and said amendment shall be in full force and effect as a part of the constitution from and after the date of such proclamation.

Procedure.

Section 5. All acts and parts of acts in conflict with this act are hereby repealed.

Repealing
clause.

Section 6. This act shall be in full force and effect from and after its passage and approval.

Effective
immediately.

Approved February 28, 1953.

CHAPTER 107

An Act to Amend Section 81-928, Revised Codes of Montana, 1947, Relating to the Assessment and Taxation of Lands Sold by the State of Montana and Providing That Such Lands Shall be Subject to Taxation to the Full Value Thereof, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 81-928, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending
clause.

“81-928. (1805.92) **Land Subject to Taxation.** *State lands purchased from the State of Montana shall be subject*

Lands
purchased
from state
subject to
taxation.

to taxation to the full value thereof. The assessor shall assess the purchaser for the full and true value of the land on the first Monday of March *following the date of purchase thereof, and* provided that the holder of certificates of purchase to lands within irrigation districts shall be liable for the entire tax levied against the land thereunder on account of such irrigation district.

“The improvements on the land shall be assessed and taxed as other improvements on farm lands.

“On or before the fifteenth (15th) day of March of each year, the commissioner shall furnish the county assessor of each county with a complete list of all state lands sold in his county during the year ending on the first Monday of March of *each* year. This list shall show the name and address of the purchaser, give the legal description of the land, *and* the acreage contained therein.”

Repealing
clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 28, 1953.

CHAPTER 108

An Act to Amend Section 66-1403 (3127) of the Revised Codes of Montana, 1947, Relating to the Educational Qualifications for a License to Practice Osteopathy and the Annual Registration of Such Licenses, and to Amend Section 66-1405 (3129) Revised Codes of Montana, 1947, Relating to the Examination Given by the Board and Appeal Therefrom: and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 66-1403 (3127) of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Osteopathic
licenses —
regulation,
qualifications,
renewal.

“66-1403 (3127) *Regulation Osteopathic Licenses, Educational Qualifications and Renewal.* (1) It shall be unlawful for any person to practice osteopathy in this state without a license from *the* board of *osteopathic examiners.* *Any applicant applying for licensure shall be a person of*

good moral character. An applicant shall present evidence to the board that he has completed the following educational and professional requirements, (a) four years of high school or its scholastic equivalent; (b) at least two years preprofessional college education in an accredited college or university, if the applicant matriculated in an osteopathic college after 1938; (c) four years professional education in an osteopathic college conforming to the minimum educational standards for osteopathic colleges established by the American Osteopathic Association and which is approved by the board. Application shall be made on forms furnished by the board. An applicant who fails the examination shall be entitled to a second examination without charge at the next succeeding meeting of the board.

(2) Each individual, after the first year of registration, holding a certificate to practice under this act and who is in active practice in this state, shall on or before the first day of April of each year pay a renewal fee of two dollars (\$2.00) to the secretary of the board of osteopathic examiners; and each individual, after the first year of registration, holding a certificate to practice under this act, who is not in active practice, shall on or before the first of April of each year pay a renewal fee of one dollar (\$1.00) to the secretary of the board. The secretary of the board shall before the 15th of March of each year send a notice to each individual holding a valid certificate to practice under this act and from whom a fee is due stating that such fee is due.

(3) The certificate to practice under this act automatically becomes void when the renewal fee is not paid at the time named. Provided that the board may reinstate a practitioner whose certificate has lapsed upon the payment of all back renewal fees or upon the payment of ten dollars (\$10.00) if the lapsed fees exceed that amount."

Section 2. That Section 66-1405 (3129) of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

"66-1405 (3129) Subjects of Examination — Appeal.

(1) All persons, after March 1, 1901, commencing the practice of osteopathy in this state, in any of its branches, shall apply to said board for a license to do so, and such applicant at the time and place designated by said board,

Amending
clause.

Examination,
subjects;
appeal proced-
ure; fee.

shall submit to an examination in the following branches, to-wit: Anatomy, physiology, chemistry, pathology, *bacteriology*, gynecology, obstetrics, and theory and practice of osteopathy, and such other branches as are taught in well regulated and recognized schools of osteopathy and deemed advisable by said board and shall present evidence of having actually attended *as required in section 66-1403* a legally authorized and regularly conducted school of osteopathy, recognized by said board of osteopathic examiners, except as otherwise provided in section 66-1402 of this code.

(2) All examination papers on subjects peculiar to osteopathy shall be examined and their sufficiency passed upon by members of said board, whose decision shall be final thereon subject, however, to the right of appeal, which appeal shall be to the district court of the county in which the examination is held and said district court shall review such examination without a jury and shall have the right to take testimony thereon and the decision of such district court shall be also subject to the right of appeal to the supreme court by any persons aggrieved thereby, and upon such appeal the supreme court shall have the right to consider questions of both law and fact, and said board shall cause such examination to be scientific and practical, but of sufficient severity to test the candidate's fitness to practice osteopathy.

(3) After examination the board shall grant a license to such applicants as shall pass the examination to practice osteopathy in the State of Montana, which license shall be granted by not less than two members of *said* board, attested by the seal thereof. For the support and maintenance of said board, the fee for such examination and license shall be twenty dollars (\$20.00), which shall be paid in advance to the secretary of said board to defray the expenses thereof."

Section 3. All acts or parts of acts in conflict herewith are hereby repealed.

Approved February 28, 1953.

Repealing
clause.

CHAPTER 109

An Act to Amend Section 84-702, Revised Codes of Mon-

tana, 1947, Relative to the Qualification and Compensation of the State Board of Equalization and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 84-702 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending
clause.

“84-702 (2122.2) **Qualification and Compensation.** The persons to be appointed as members of such board shall be such as are known to possess knowledge of the subject of taxation and skill in matters pertaining thereto. No persons so appointed shall hold any other office under the laws of this state nor any other state, nor any office under government of the United States, or of any other state. He shall devote his entire time to the duties of the office and shall not hold any position of trust or profit, nor engage in any occupation or business interfering or inconsistent with his duties, or serve on or under any committee of any political party, or take part either directly or indirectly in any political campaign in the interest of any political party, or organization or candidate for office. Each member shall receive an annual salary of *seven thousand dollars* (\$7000.00), payable in equal monthly installments. He shall also be paid his actual traveling and other expenses when away from the capital on official business.

Board of
equalization,
qualifications
and
compensation.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing
clause.

Section 3. This act should be in full force and effect from and after its passage and approval.

Effective
immediately.

Approved February 28, 1953.

CHAPTER 110

An Act to Amend Section 3-103 of the Revised Codes of Montana, 1947, Relating to Bonds, Salary and Office of Commissioner of Agriculture and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 3-103 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Commissioner
of agriculture,
bond, office
and salary.

“Section 3-103. (3557) **Bond, Salary, and Office of Commissioner.** Before entering upon the duties of his office, the commissioner of agriculture shall take and subscribe the constitutional oath of office, and shall give a surety company bond in the sum of *seven thousand dollars* (\$7,000), conditioned for the faithful performance of his duties, the cost of said bond to be paid by the state. The commissioner shall receive an annual salary of *seven thousand dollars* (\$7,000), payable in the same manner as the salaries of other state officers, and shall be allowed such expenses as may be actually and necessarily incurred in the performance of his duties. He shall maintain his office at that state capitol.”

Repealing
clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective
immediately.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 28, 1953.

CHAPTER 111

An Act to Amend Section 84-4907 of the Revised Codes of Montana, 1947, as Amended by Chapter 17, Session Laws of 1951, by Exempting From Payment of Income Taxes Certain Benefits, Compensation and Allowances Paid by the Veterans' Administration of the United States Government to Veterans of Military Service, and Certain Payments to Persons on Active Military Service; Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 84-4907 of the Revised Codes of Montana, 1947, as amended by Chapter 17, Session Laws of 1951, be, and the same is hereby amended to read as follows:

Gross income —
what included.

“Section 84-4907. (2295.7) **Gross Income — What Included In.** The term ‘gross income’; (1) Includes gains,

profits and income derived from salaries, wages, or compensation for personal service, of whatever kind and in whatever form paid, or from professions, vocations, trades, business, commerce, sales or dealings in property whether real or personal, growing out of the ownership or use of or interest in such property; also from interest, rent, dividends, royalties, securities, or the transaction of any business carried on for gain or profit, and income derived from any source whatever. The amount of all such items shall be included in the gross income, for the taxable year in which received by the taxpayer; unless, under the methods of accounting permitted in this act, any such amounts are to be properly accounted for as of a different period;

(2) But does not include the following items which are exempt from taxation under this act:

Exemptions.

(a) The proceeds of life insurance policies and contracts paid upon the death of the insured to individual beneficiaries or to the estate of the insured.

Proceeds of life insurance policies.

(b) The amount received by the insured as a return of premium or premiums paid by him under life insurance, endowment or annuity contracts, either during the term or at the maturity of the term mentioned in the contract or upon surrender of the contract.

Return of premium paid.

(c) The value of property acquired by gift, bequest, devise or descent (but the income from such property shall be included in gross income).

Gift, bequest, devise or descent.

(d) Any amount received through accident or health insurance or under workmen's compensation acts, as compensation for personal injuries or sickness, plus the amount of any damages received whether by suit or agreement on account of such injuries or sickness, or through the war risk insurance act or any law for the benefit or relief of injured or disabled members of the military or naval forces of the United States, and their dependents.

Compensation injuries or sickness.

(e) Stock dividends when received by a shareholder shall not be subject to tax, but if before or after the distribution of any such dividend, the corporation proceeds to cancel or redeem its stock at such time and in such manner as to make the distribution and cancellation or redemption in whole or in part essentially equivalent to

Stock dividends.

the distribution of a taxable dividend, the amount so distributed in redemption or cancellation of the stock shall be treated as a taxable dividend and included in gross income; provided, however, that any stock dividend shall be considered in computing gain, profit or income upon the sale, exchange or other disposition of the stock upon which a stock dividend has been declared or of the stock included in such stock dividend.

Payments for
military
service.

(f) Payments to a veteran of active military service which military service occurred during wartime, or during any period when United States military forces were engaged in armed hostilities with any nation or nations or during any period of national emergency duly proclaimed by the president of the United States, which said veteran was separated from the service under conditions other than dishonorable, provided, however, that such payments are limited to the following:

Any and all benefits paid by the veterans' administration of the United States government, providing that said benefits arise or accrue as a direct result of such war service. Such benefits may include pension, compensation, insurance, adjusted compensation, gratuity, subsistence allowances, other subsistence and travel allowances, readjustment allowances, accumulated leave compensation, family allowances, burial benefits to family or beneficiary, death benefits to beneficiaries and educational benefits, but shall not include wages or other compensation paid for services rendered to the veterans' administration.

Income
received July
1, 1953 to July
1, 1955 by
persons in
active service.

(g) Any income received between *July 1, 1953* and *July 1, 1955* by persons in active military service under any law or laws of the United States, but not to exceed the amount of two hundred dollars (\$200.00) for each month, or fraction thereof, of such military service, plus rations and quarters allowances and plus re-enlistment bonus.

Non-residents
taxed on in-
come received
from this state.

(h) In the case of taxpayers other than residents, gross income includes only the gross income from sources within this state, but shall not include annuities, interest on bank deposits, interest on bonds, notes or other interest-bearing obligations, or dividends on stock of corporations; except to the extent that such annuities, bank deposits, bonds, notes or other obligations or stocks shall be a part of income

from any business, trade, profession or occupation carried on in this state.”

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing
clause.

Approved February 28, 1953.

CHAPTER 112

An Act to Amend Section 10-622 of the Revised Codes of Montana, 1947, as Amended by Chapter 27 of the Session Laws of the State of Montana, 1951, Providing for an Increase in the Maximum Salary Which Can be Paid to the Chief Probation Officer and Further Providing for an Increase in the Maximum Salary Which Can be Paid to Deputy Probation Officers, Providing for an Effective Date of This Act and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 10-622 of the Revised Codes of Montana, 1947, as amended by Chapter 27 of the Session Laws of the State of Montana, 1951, be, and the same is hereby amended to read as follows:

Amending
clause.

“10-622. **Probation Officers — Appointments — Removal — Salaries.** In every judicial district of the State of Montana the judge thereof having jurisdiction of juvenile matters shall appoint one discreet person of good moral character, who shall be known as the chief probation officer of such district and who shall hold his office until removed by the court. Such officer shall receive for his services such sum as shall be specified by the court upon appointment, provided that the judge of the district court may employ him on a yearly salary not to exceed *three thousand six hundred dollars (\$3,600.00)*, or on a per diem basis for the time actually and necessarily employed in performing the duties of the office. The salary of such officer shall be apportioned among and paid by each of said counties in which said officer shall be appointed to act, in proportion to the assessed valuation of such counties for the year then current, except that where such official is appointed for one county, his salary shall be paid by that

Probation
officers —
appointment,
removal,
salaries.

county. In the absence of such appointment of the chief probation officer, it shall be the duty of the sheriff of the county to perform all the duties of the chief probation officer in this act enumerated without additional compensation, as directed by the court.

“The judge having jurisdiction of juvenile matters may also appoint such additional persons to serve as deputy probation officers and stenographers as the judge deems necessary; their salaries to be fixed by the judge at the time of appointment, provided that such salaries shall not exceed *two thousand nine hundred dollars (\$2,900.00)* per year.”

Repealing
clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective
immediately.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 28, 1953.

CHAPTER 113

An Act to Amend Sections 75-1202, 75-1203, 75-1204, 75-1205 and 75-1206 of the Revised Codes of Montana, 1947: to Abolish the Science Commission and to Transfer the Powers and Duties Thereof to the State Historical Society, and to Repeal Section 75-1201.

Be it enacted by the Legislative Assembly of the State of Montana:

Science
commission
abolished.

Section 1. **Science Commission Abolished.** The science commission be and the same hereby is abolished and the powers and duties thereof transferred to the state historical society hereinafter referred to as the society.

Repealing
Sec. 75-1201,
R.C.M., 1947.

Section 2. That Section 75-1201 be, and the same is hereby repealed.

Amending
clause.

Section 3. That Section 75-1202 be, and the same is hereby amended to read as follows:

Historic
structures can
be declared
state
monuments.

“75-1202. **Historic Structures — State Monuments.** That the commissioner of the state land office is hereby authorized on recommendation of the *board of trustees of the state historical society* of Montana with the approval of the

commissioner of public lands to declare by public proclamation that historic and prehistoric structures and other objects of scientific interest that are situated upon the lands owned or controlled by the State of Montana, shall be state monuments, and may reserve as a part thereof such parcels of land as may be necessary to the proper care and management of the objects to be protected.”

Section 4. That section 75-1203 be, and the same is hereby amended to read as follows:

Amending
clause.

“75-1203. **Permits for Excavation, Etc.** That permits for the examination of ruins, the excavation of archaeological sites, and the gathering of objects of antiquity, or general scientific interest, may be granted by the commissioner of public lands on recommendation of the *board of trustees of the state historical society* to institutions which they may deem properly qualified to conduct such examination, excavation, or gathering, subject to such rules and regulations as the aforesaid *society* with the approval of the commissioner of public lands may prescribe: Provided, that the examinations and gatherings are undertaken for the benefit of reputable museums, universities, colleges, or other recognized scientific or educational institutions, with a view of increasing the knowledge of such objects, and: Provided, that not less than fifty per cent (50%) of all specimens so collected by nonresident institutions shall be retained as the property of the State of Montana, unless the commissioner of public lands shall expressly accept a smaller proportion, as meeting the requirements of this act, and: Provided, that this act shall not interfere with the making of natural history collections by individuals, for scientific purposes only, provided that such individuals secure permits as prescribed in this section.”

Permits for
excavations,
collecting
scientific
objects.

Section 5. That Section 75-1204 be, and the same is hereby amended to read as follows:

Amending
clause.

“75-1204. **Depository for Collections.** Unless other locations *shall* be designated by the *society*, the historical society of Montana shall be the depository for all collections made under the provisions of this act and shall distribute material from such collections to any museum throughout the State of Montana, on request of the governing bodies of the said local museums, when in the opinion of the *board of trustees, of said society*, proper arrangements are made

Historical
society shall be
or designate
depository for
collections.

for the safe custodianship and public exhibition of such material."

Amending
clause.

Section 6. That section 75-1205 be, and the same is hereby amended to read as follows:

Regulation of
exportation
scientific
materials.

"75-1205. **Regulation of Exportation of Scientific Materials.** The disposition of historic and scientific material referred to in this act, to individuals or institutions outside the State of Montana, is expressly forbidden, except by permission of the *board of trustees, of said society*, approved by the commissioner of public lands, and the transportation by public or private carriers of such material to points outside the State of Montana, is expressly prohibited, except as may be necessary in carrying out the provisions of the permits issued by the government of the United States under the federal statute for the preservation of American antiquities, and under the permits granted by the *state historical society* of the State of Montana."

Amending
clause.

Section 7. That section 75-1206 be, and the same is hereby amended to read as follows:

Penalty,
enforcement.

"75-1206. **Penalty — Officers to Enforce Act.** That any person who shall appropriate, excavate, injure or destroy any historic or prehistoric ruin or monument, or any object of historical, archaeological or scientific value, situated on lands owned or controlled by the State of Montana, or its institutions, without the recommendation of the *state historical society* of Montana and the consent of the commissioner of the state land office, shall be fined in a sum of not more than five hundred dollars (\$500.00) or be imprisoned for a period of not more than ninety (90) days, or shall suffer both fine and imprisonment in the discretion of the court; and it shall be the duty of any employee of the state land office, or any peace officer, including constables and sheriffs, to proceed against any violation of this law, and the duty of county attorneys of this state to prosecute anyone violating the provisions of this act."

Approved February 28, 1953.

CHAPTER 114

An Act Approving the Full Market Value as Determined by the State Forester and Approved by the State Board

of Land Commissioners to Certain State Owned Lands Located Within the Boundaries of Glacier National Park, Authorizing and Directing the Exchange of the Said State Land for Federal Lands of Equal Value.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Approval is hereby given under authority of Section 81-1401, Revised Codes of Montana, 1947, *as amended by Chapter 167 of the 1951 Session Laws of Montana*, to the full market value as determined by the state forester, and approved by the state board of land commissioners for the following described tracts of state owned land, all located within the boundaries of Glacier national park:

Approving full market value as determined by state forester and land board.

	Acres	Approximate Full Market Value
Township 34 North, Range 20 West		
Section 3	639.60 acres	\$ 64,334.64
Section 9	640	98,080.37
Section 21	560	123,139.00
Section 22	280	80,381.35
Section 28	398.06	18,984.60
Section 34	640	3,489.60
Township 34 North, Range 21 West		
Section 12	324.95 acres	\$ 7,277.60
Township 34 North, Range 20 West		
Section 8	320 acres	\$ 80,536.90
Section 17	160	47,660.35
Section 18	30.52	907.49
Section 20	38.14	\$ 2,260.70
Section 27	560	9,855.60
Township 34 North, Range 20 West		
Section 11	320 acres	\$ 28,634.00
Section 13	320	14,479.00
Township 31 North, Range 17 West		
Section 36	278.28 acres	\$ 30,257.90
Township 34 North, Range 20 West		
Section 16	640 acres	\$104,264.03
Section 36	480	4,016.54
Township 35 North, Range 21 West		
Section 16	277.22 acres	\$ 19,555.90
Section 36	640	17,343.25
Township 36 North, Range 21 West		
Section 16	640 acres	\$ 14,333.00

Township 37 North, Range 22 West		
Section 36	91.48 acres	\$ 2,123.84
Township 34 North, Range 20 West		
Section 25	320 acres	\$ 4,917.39
Township 34 North, Range 21 West		
Section 1	610.24 acres	\$ 10,230.85
Section 2	145.36	2,619.00
Total approximated full market value		\$789,682.90

Land
commissioner
authorized
to exchange
certain lands
for federal
lands.

Section 2. The commissioner of state lands and investments, subject to the approval of the state land board, is hereby authorized and directed to exchange the above described lands for lands of the United States government within the boundaries of the State of Montana, of a market value equal to the full market value of the state lands exchanged, all in accordance with the constitution and laws of the State of Montana and the Taylor grazing act of June 28, 1934, (62 Stat. 533) which act in part provides that the secretary of the interior shall accept on behalf of the United States title to any state-owned lands within or without the boundaries of a grazing district, and in exchange therefor issue patent to survey grazing district land not otherwise reserved or appropriated or unappropriated and unreserved surveyed public land; and in making such exchange the secretary is authorized to patent to such state, land either of equal value or of equal acreage.

Effective
immediately.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 28, 1953.

CHAPTER 115

An Act to Amend Section 53-107, Revised Codes of Montana, 1947, Relating to Certificates of Registration and Ownership — Contents, Issuance, Entry, Assignment of Numbers, Registration Card to be Signed, Carried, and Exhibited on Demand, and Repealing All Other Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 53-107, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

“53-107. (1758). Certificates of Registration and Ownership — Contents, Issuance, Entry, Assignment of Numbers — Registration Card to be Signed, Carried and Exhibited on Demand.

Upon receiving the original application for registration, duly executed in proper form, the registrar of motor vehicles shall cause to be entered the information contained in said application upon the corresponding records of his office and shall furnish the applicant a certificate of registration and a certificate of ownership, and said owner shall at all times retain possession of the certificate of ownership, except when the same is being transmitted to and from the registrar of motor vehicles for endorsement or cancellation. In the event the said certificate of ownership be in the possession or under the control of any person other than the person entitled to operate and possess the motor vehicle the same must be surrendered to the person entitled to operate and possess such motor vehicle, upon demand, and refusal shall constitute a misdemeanor. At the same time, he shall issue to any conditional sales vendor, or other person holding the legal title to the vehicle, or any mortgagee thereof, or other lien holder, a statement of the filing of such conditional sales contract, mortgage or other lien, said certificate of registration and ownership shall meet the following requirements:

Certificates of registration and ownership.

Issuance.

“The certificate of registration and the certificate of ownership shall each contain upon the face thereof: (1) the date issued, (2) the registration number assigned to the owner and the vehicle, (3) the name and complete address of the owner and the name and complete address of any conditional sales vendor, and also the name and address of any other lienor as shown by said application, (4) a description of the registered vehicle including the year built and serial number, if any, (5) any lien against such motor vehicle and the amount due at the date of registration, and such other statement of facts as may be determined by the registrar.

Contents.

“The reverse side of the certificate of ownership only shall contain a form of notice to the registrar of a transfer of title or interest of the owner and such other statement on forms as may be determined by the registrar.

“*Registration card to be signed, carried, and exhibited on demand. (a) Every owner upon receipt of a registra-*

Signature carried and exhibited on proper demand.

tion card shall write his signature thereon with pen and ink in the space provided. Every such registration card shall at all times be carried in the vehicle to which it refers or shall be carried by the person driving or in control of such vehicle who shall display the same upon demand of a police officer or any officer or employee of the registrar of motor vehicles or the highway department.

Proviso.

“(b) The provisions of this section requiring that a registration card be carried in the vehicle to which it refers or by the person driving the same shall not apply when such card is used for the purpose of making application for renewal of registration or upon a transfer of registration of said vehicle, provided that when such certificate has been surrendered for re-registration that a current official receipt of a county treasurer for such re-registration be carried in lieu of such certificate until the new certificate is received.

“Motor vehicle” includes.

“The term ‘motor vehicle’ includes automobile, truck, motorcycle, semi-trailer, trailer and trailer-house.

Trailers, numbers.

“Any trailer, semi-trailer or trailer-house which does not have a manufacturer’s or other identifying number thereon shall be assigned an identification number by the registrar upon registration of such motor vehicle. The owner or other person lawfully in possession of such motor vehicle shall stamp such number so assigned by the registrar upon the principal right frame member of said motor vehicle near the front end thereof where it may be clearly and readily seen, and said stamping shall be promptly accomplished after notice of the assigned number by the registrar. The registrar may withhold registration until satisfactory proof, by affidavit, of such stamping is filed with him.”

Repealing clause.

Section 2. That all acts and parts of acts in conflict herewith are hereby repealed.

Approved February 28, 1953.

CHAPTER 116

An Act to Amend Section 16-1018, Revised Codes of Montana, 1947, Relating to Insurance Upon County Buildings and Providing That the County Commissioners

Shall Have Power to Use the Proceeds of Insurance Policies Paid Upon Losses for the Purpose of Replacement of Such Building or Building New Structures.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 16-1018, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending
clause.

“16-1018. (4465.15) **Insurance of County Buildings.** The board of county commissioners has jurisdiction and power under such limitations and restrictions as are prescribed by law: To insure the county buildings in the name of and for the benefit of the county *and shall have the power to use the proceeds of any insurance policy which may be paid by reason of a loss covered thereby for the purpose of rebuilding the structure lost or damaged or if the fire insurance proceeds are less than twenty-five thousand dollars (\$25,000.00), for building new structures or buildings.*”

Insurance of
county
buildings.

Use of
proceeds.

Approved February 28, 1953.

CHAPTER 117

An Act to Amend Section 32-1602 of the Revised Codes of Montana, 1947, Relating to Meetings — Engineer — Duties and Bond.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 32-1602 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending
clause.

“Section 32-1602. (1784) **Meetings — Engineer — Duties and Bond.** The state highway commission shall meet at least once each month for the purpose of transacting its business, including the consideration of claims and the letting of contracts. *Three (3) members shall constitute a quorum at any meeting, but no resolution, motion, or other decision of the commission shall be adopted or passed without the favorable vote of at least three (3) members.* The state highway engineer shall perform any acts or duties relating to the office of the highway commission which

Highway
commission
meetings.

Quorum.

Engineer's
duties.

Bond. said commission may, from time to time, impose upon him; such engineer shall take and file the constitutional oath of office before entering the performance of his duties; he shall give a bond in such sum as the commission may determine and may be removed by the commission at any time for cause."

Repealing clause. Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective immediately. Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 28, 1953.

CHAPTER 118

An Act to Amend Section 32-1601 of the Revised Codes of Montana, 1947, Relating to the State Highway Commission — Creation — Salary — Bond — Term of Office.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause. Section 1. That Section 32-1601 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

State highway commission, appointment. "32-1601. **State Highway Commission — Creation — Salary — Bond — Term of Office.** (1) There is hereby created a commission to be known as the state highway commission to consist of five (5) members to be appointed by the governor *with the consent of the senate for terms of office as herein provided, and with the qualifications herein specified*, and each of said members shall be a citizen of the United States and of the State of Montana.

"(2) One (1) of said members shall be a bona fide resident of a district consisting of the following counties: Lincoln, Flathead, Sanders, Lake, Mineral, Missoula, Ravalli, Granite, Lewis and Clark, Jefferson and Broadwater; and one (1) shall be a bona fide resident of a district consisting of the following counties: Powell, Deer Lodge, Silver Bow, Beaverhead, Madison, Gallatin, Meagher, Wheatland, Park and Sweet Grass; and one (1) shall be a bona fide resident of a district consisting of the following counties: Glacier, Toole, Liberty, Hill, Blaine, Pondera,

Teton, Chouteau, Cascade, and Judith Basin; and one (1) shall be a bona fide resident of a district consisting of the following counties: Fergus, Petroleum, Garfield, Phillips, Valley, McCone, Prairie, Dawson, Wibaux, Richland, Roosevelt, Daniels and Sheridan; and one (1) shall be a bona fide resident of a district consisting of the following counties: Golden Valley, Stillwater, Carbon, Big Horn, Yellowstone, Musselshell, Rosebud, Treasure, Custer, Powder River, Carter and Fallon. Provided that said districts are herein referred to only for the purpose of defining the sections of the State of Montana from which the members of said commission shall be appointed.

“(3) The members of said state highway commission shall be appointed within ten (10) days after the passage of this act. The terms of office of three (3) of the members shall be for four (4) years, and shall expire on February 1, 1957; and the terms of office of the two (2) remaining members shall be for two (2) years, and shall expire on February 1, 1955, and thereafter each succeeding commissioner shall hold his office for a term of four (4) years, and until his successors shall have been appointed and qualified. In case of a vacancy the person appointed to fill such vacancy shall hold office for the unexpired term in which the vacancy occurs, and such vacancy shall be filled by appointment by the governor with the consent of the senate as hereinbefore provided.”

Terms.

“(4) No two (2) members of said state highway commission shall at the time of appointment or thereafter during their respective terms of office be residents of the same district, as defined in section (2) of this act. Not more than three (3) members of said state highway commission, except the first appointments to said state highway commission, shall, at the time of appointment or thereafter during their respective terms of office, be members of the same political party. No elective state official or state officer during the term of office to which he was elected or appointed, or state employee shall be a member of said commission. No state highway commissioner shall be removed from office by the governor before the expiration of his term unless for a disqualifying change of residence or for a cause based upon determination of incapacity, incompetence, neglect of duty and malfeasance in office.”

Restrictions.

Chairman.

“(5) The commission shall choose one (1) of its own number as the chairman, *who shall hold office for one (1) year; provided, election as chairman shall not interfere with the member's right to vote on all matters before the commission*, and shall have the power to appoint an engineer to be known as the ‘state highway engineer’ and other employees of the commission, and shall fix the salaries of such engineer and other employees.

Per diem,
limitations.

“(6) *Each member of the state highway commission shall receive fifteen dollars (\$15.00) per diem for each day actually spent in the performance of his duties and his actual necessary traveling and other expenses in going to, attending and returning from meetings of the commission, and his actual and necessary traveling and other expenses incurred in the discharge of such duties as may be requested of him by a majority vote of the commission, but in no event shall a commissioner's per diem payments exceed fifteen hundred dollars (\$1,500.00) in any one (1) year.*

Bond.

“(7) Each commissioner shall give bond conditioned for the faithful performance of his duties in the sum of ten thousand dollars (\$10,000.00).”

Repealing
clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective
immediately.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 28, 1953.

CHAPTER 119

An Act to Amend Section 81-209 of the Revised Codes of Montana, 1947, as Amended by Chapter 164 of the Session Laws of 1951, Relating to the Salary and Compensation of the Commissioner of State Lands and Investments, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 81-209 of the Revised Codes of Montana, 1947, as amended by Chapter 164 of the Session Laws of 1951, be, and the same is hereby amended to read as follows:

“Section 81-209. **Salary and Compensation.** The salary of the commissioner shall be *seven thousand dollars* (\$7000.00) per annum, payable monthly. The commissioner of state lands and investments shall be paid actual and necessary expenses while engaged in the performance of official duties outside of the state capitol.”

Land
commissioner,
salary and
compensation.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing
clause.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Effective
immediately.

Approved February 28, 1953.

CHAPTER 120

An Act to Amend Chapter 130, Laws of 1949, Relating to Changing Boundaries of High School Districts, Selecting Sites for High Schools in High School Districts and Voting Special Levies on High School Districts to Provide for the Repeal of Section 2, Relating to the Selection of Sites and to Provide for the Selection of Polling Places When Voting on Special Levies by the Board of Trustees of the High School District, and to Change the Numbering of Section 3 to Section 2, Section 4 to Section 3, Section 5 to Section 4, Section 6 to Section 5 and Section 7 to Section 6.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Chapter 130, Laws of 1949, be, and the same is hereby amended to read as follows:

Amending
clause.

“Section (1) In any county which has been divided into high school building districts, at the request of any high school board of trustees, the commission, provided for in Section 75-4602 of the Revised Codes of Montana, 1947, may, in accord with the procedure provided in said section, alter the boundaries of said districts or re-divide the county into a different number of high school districts, provided that such alteration or re-division may not be done within three (3) years from the original division or the last alteration of boundaries and last re-division.”

Alteration of
boundaries,
re-division of
high school
districts.

Special levy for
high school
purposes —
procedure.

“Section (2) Whenever the board of trustees of the local school district within which the high school is situated shall deem it necessary to raise money for high school purposes in addition to its revenues from county and state apportionments, a meeting of the board of trustees of the high school district together with the chairmen of the boards of trustees of all common school districts included within the high school district shall be called and held to consider the calling of an election to vote upon the question of approving a special levy for high school purposes. Provided, that any other member designated by the board of trustees of any such common school district may represent such district in place of the chairman thereof. If a majority of the board of trustees of the high school district and the designated representatives of said common school districts attending such meeting shall determine that the proposed expenditures are necessary for the proper maintenance and operation of such high school, said trustees of the high school district shall ascertain and determine the number of mills required to be raised by special levy, and shall call an election for the purpose of submitting the question of making such additional levy to the qualified electors who are taxpayers upon property within the high school district, and if approved by a majority vote of all of the taxpayers voting at such election, the result of said election shall be certified to the board of county commissioners, and the levy approved by such majority vote shall be made upon all property within said high school district.”

Election.

Notice and
manner of
conducting
election —
polling places.

“Section (3) Notice of such election shall be given and said election shall be held and conducted in all respects in the manner provided by Sections 75-3802, 75-3803, 75-3804, 75-3805 of the Revised Codes of Montana of 1947. Said election shall be conducted by judges and clerks of election appointed by the high school board of trustees from the residents of each respective common school district within the high school district *in which the board determines what polling places shall be provided; provided that convenience to voters shall be a determining factor in selecting these polling places.*”

Limitation of
only one
additional levy
in a year.

“Section (4) In the event such additional levy is approved by a majority vote of all of the taxpayers voting at said election, no other special tax for the operation and

maintenance of the high school may in the same year be submitted to a vote of the taxpayers within the local school district wherein such high school is situated.”

“Section (5) All acts and parts of acts in conflict herewith are hereby repealed, but this section shall not be construed to repeal Section 75-4602 of the Revised Codes of Montana, 1947.”

Repealing
clause.

“Section (6) This act shall be in full force and effect from and after its passage and approval.”

Effective
immediately.

Approved February 28, 1953.

CHAPTER 121

An Act to Amend Section 59-701 of the Revised Codes of Montana, 1947, Relating to the Beginning and Ending of the Fiscal Year; to Provide that All State Offices, Agencies, and Institutions Shall Determine Their Financial Condition at the Close of the Fiscal Year and Shall Close Out Their Fiscal Records Within Thirty (30) Days Thereafter, and Shall Transmit Trial Balances of Accounts to the State Controller Within Forty-five (45) Days Following the Close of the Fiscal Year.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 59-701 of the Revised Codes of Montana, 1947, be, and the same hereby is amended to read as follows:

Amending
clause.

“59-701. (518) **Fiscal Year.** The fiscal year for state purposes commences on the first (1st) day of July of each year, and ends on the last day of June of each year. The fiscal year for county purposes commences on the first (1st) day of July of each year and ends on the last day of June of each year. *At the close of each fiscal year each state office, department, bureau, commission, institution, university unit, and agency shall make a determination of its financial condition and the results of its operations for such fiscal year, and the fiscal records of such state office, department, bureau, commission, institution, university unit, or agency for such fiscal year shall be closed out not more than thirty (30) days following the close of each fiscal year, and the trial balances of the accounts of such*

Fiscal year.

Duty of state
departments to
report fiscal
condition to
controller,
annually.

state office, department, bureau, commission, institution, university unit, and agency shall be transmitted to the state controller so as to be received by him not more than forty-five (45) days following the close of each fiscal year."

Approved February 28, 1953.

CHAPTER 122

An Act to Amend Section 81-1702 of the Revised Codes of Montana of 1947, Relating to State Oil and Gas Leases, the Area to be Leased, Limitations, Term of Leases, and Agreements for the Pooling of Acreage With Others for Unit Operations for the Production of Oil or Gas, or Both, and Extension of Time for Development; to Amend Section 81-1705 of the Revised Codes of Montana of 1947, Relating to Report of Lessees; to Amend Section 81-1708 of the Revised Codes of Montana of 1947, Relating to Amendment of Existing State Oil and Gas Leases; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 81-1702 of the Revised Codes of Montana of 1947 be, and the same is hereby amended to read as follows:

Oil and gas
leases,
area to be
leased,
limitations,
terms,
operating
agreements,
pooling or unit
agreements.

"81-1702. Area to be Leased — Limitations — Term of Leases — Operating Agreements. (1) No oil or gas lease issued on state lands shall embrace more than six hundred forty (640) acres, except, however, that any section which as surveyed by the government of the United States contains more than six hundred forty (640) acres may be included under one lease. Any person, association, corporation, or municipality qualified to hold an oil or gas lease on state lands may receive from the state board of land commissioners or take through assignment, or succession, will, judgment, decree, or otherwise through the operation of law, more than one oil and gas lease to state lands, subject, however, to such regulations and limitations as the state board of land commissioners may prescribe.

"(2) All leases issued hereunder shall be granted for a *primary term or period of ten (10) years, and as long*

thereafter as oil or gas in paying quantities shall be produced thereunder; provided, however, that all drilling, rental and other obligations are fully kept and performed by the lessee; and provided, further, that nothing herein contained shall be construed as amending or repealing sections 81-1703 or 81-1706, Revised Codes of Montana, 1947.

If oil or gas is not being produced from the leased premises at the expiration of the primary term of the lease but the owner of the lease is then engaged in drilling on said premises for oil or gas, then the lease shall continue in force so long as such drilling operations are being diligently prosecuted. If oil or gas shall be recovered from any such well drilled or being drilled at or after the expiration of the primary term of the lease, the lease shall continue in force so long as oil or gas in paying quantities shall be produced from the leased premises.

“(3) Owners of state oil and gas leases may enter into agreements with other persons, associations, firms and corporations for drilling and other operations on the state lands under their leases; but no such operating agreements shall in any way be binding upon the state until filed with the secretary of the state board of land commissioners and approved by the board; and no such drilling or operating agreement shall in any way affect the obligations of each individual lease holder to the state.

“(4) *Nothing contained herein or in prior related acts shall prevent or be so construed as to prevent the state board of land commissioners from entering into agreements for the pooling of acreage with others for unit operations for the production of oil or gas, or both, and the apportionment of oil or gas royalties, or both, on an acreage or other equitable basis, and from modifying existing leases and leases hereafter entered into with respect to delay rentals, delay drilling penalties and royalties in accordance with such pooling agreements and such unit plans of operation; provided, however, that such agreements shall not change the percentage of royalties to be paid to the state from the percentages as fixed in its leases. The board is further authorized to modify existing pooling and unit agreements so as to commit the state lands included therein for as long as the unitized substance or substances for which*

the state lands are committed is produced from any lands in the unit.

“(5) Oil or gas produced from any part of a unit in which state lands are included by virtue of a pooling agreement, shall be deemed to be produced from the state lands therein, within the meaning of this act.”

Amending
clause.

Section 2. That Section 81-1705 of the Revised Codes of Montana of 1947 be, and the same is hereby amended to read as follows:

Report of
lessees.

“81-1705. **Report of Lessees.** On or before the last day of each month every holder of a *producing* oil or gas lease shall make a report to the *commissioner* of state lands for the preceding calendar month, which report shall be in such form as the state board of land commissioners may prescribe. Such report shall show the amount of oil or gas produced and saved during such preceding month, the price obtained, the total amount of all sales, and such additional information as may be required and shall be *signed* by the lessee or some responsible person having knowledge *thereof*, and shall be accompanied by payment of the amount due the state as royalty for the month covered by the report, *unless the state's royalty is being or has been paid direct by the purchaser thereof.*”

Payment
of royalty.

Amending
clause.

Section 3. That Section 81-1708 of the Revised Codes of Montana of 1947 be, and the same is hereby amended to read as follows:

Amendment
of existing
leases.

“81-1708. **Amendment of Existing Leases.** *The owner or owners of any existing state oil and gas lease shall have the right to exchange it for an amended lease containing the same provisions as to the term of said lease as are then provided by law for state oil and gas leases, upon filing a written application therefor, and upon payment of a sum which is the full market value of the exchange, as determined by the state board of land commissioners; but which amended lease shall be subject to all other provisions, including rents and royalties, contained in the original lease; and shall bear the same commencement date as the original lease.*”

Repealing
clause:
specific
exceptions.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed; provided, however, that nothing contained in this act shall be construed as amending or re-

pealing Sections 81-1701, 81-1703, 81-1704, 81-1706, 81-1707, 81-1709, 81-1710, 81-1711, 81-1712, 81-1713, 81-1714, 81-1715, 81-1716, 81-1717, 81-1718, 81-1719, 81-1720, 81-1721, 81-1722, 81-1723 and 81-1724 of the Revised Codes of Montana of 1947.

Section 5. If any provisions of this act shall be held unconstitutional or otherwise invalid, such invalidity shall not affect the provisions of this act which can be given effect without the invalid provisions, and to this end the provisions of this act are declared to be severable.

Severability.

Section 6. This act shall be in full force and effect from and after its passage and approval.

Effective immediately.

Approved February 28, 1953.

CHAPTER 123

An Act to Amend Initiative Measure No. 54, Providing for the Payment of an Honorarium, or Adjusted Compensation, to Each Resident of Montana Who Was on Active Duty in Military Service in the Military Forces of the United States During World War II, Between December 7, 1941, and September 2, 1945, Both Dates Inclusive; Authorizing the State of Montana to Become Indebted in the Sum of Twenty-two Million Dollars (\$22,000,000.00) in Excess of the Constitutional Limit Over and Above Any Bonded Indebtedness Heretofore Incurred or Created and for Which Said State is Now Obligated; Creating the War Veterans' Compensation Fund; Providing for the Issuance and Sale of Limited Obligation Bonds of and in the name of the State of Montana in the Sum of Twenty-two Million Dollars (\$22,000,000.00) to Acquire Funds for the Payment of Such Honorarium or Adjusted Compensation; Providing for the Form of Such Bonds; Providing That Such Bonds Shall Not be or Become General Obligations of the State of Montana, But Shall be Payable Only Out of the Cigarette Tax Provided for in Said Law; Providing for the Creation of a Veterans' Compensation Bond Retirement Fund to Pay the Principal and Interest of Such Bonds by Levying an Excise Tax Upon the Sale of Cigarettes in the State of Montana in Addition to the Cigarette Tax Imposed by Chapter 56 of Title 84 of the

Montana Revised Codes of 1947, and Providing for the Collection of Such Additional Tax in the Same Manner as the Cigarette Tax Imposed by Said Chapter 56 is Collected; Amending Sections 84-5606 and 84-5621 of Said Revised Codes; Making an Appropriation of the Funds Derived From the Sale of Such Bonds; Providing the Method of Payment of Such Honorarium or Adjusted Compensation; Defining Words and Phrases; Pledging the State of Montana to Continue to Levy and Collect Such Tax and Place the Proceeds Thereof in the War Veterans' Compensation Bond Retirement Fund Until All Bonds Issued Under the Provisions of Said Law and the Interest Thereon Shall Have Been Paid; Making the Bonds Issued Under Said Law a Legal Investment for Funds of the State of Montana; Providing Penalties for Violation of Provisions of Said Law; and Making Other Provisions Germane to the Main Purpose of Said Law, by Extending the Time for Filing Applications to January 1, 1954, and by Amending Section 5 so as to Provide for Filing and Payment to Others Than Legal Guardians, and Repealing All Acts and Parts of Acts in Conflict Therewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That initiative measure No. 54 be amended to read as follows:

Definition
of terms.

“Section 1. As used in this law,

(a) The words ‘World War II’ mean the period between December 7, 1941, and September 2, 1945, both dates inclusive.

(b) The term ‘military forces’ means the army, the navy, the marine corps, the coast guard, the construction battalions, the WAC, the Waves, the Spars, the WMR, the nursing service, all air forces, and all other groups and services in and forming a part of the armed services under the control and subject to the discipline of the war department of the United States, and engaged in the prosecution of World War II.

(c) The words ‘military service’ mean service on active duty by any person in any of the military forces at some time during World War II.

(d) The word ‘person’ includes female as well as male.

(e) The term 'resident of Montana' means a person who was in military service and who at the time of his or her entry into such military service had his or her home in Montana. A person who, on December 7, 1941, was serving on active duty in any of the armed services of the United States and who at the time of his or her last entry into such service was a resident of Montana, and who was in the military service at some time in World War II, shall be deemed a resident of Montana within the meaning of this subdivision.

(f) The term 'continental limits of the United States' means the area of the forty-eight states and the District of Columbia, to high water mark on its water boundaries. Persons in flying service (as distinguished from ground service in the air service) shall be deemed to be in service outside the continental limits of the United States whether based within or outside of such continental limits.

(g) The term 'serviceman' means a person, male or female, who is entitled to receive payments under section 2 of this law.

"Section 2. In recognition and appreciation of the valor and devotion of the men and women who, by their military service, carried out and discharged the obligation of the State of Montana to contribute of its manpower to the defense of this republic in World War II, and in partial adjustment for the economic detriment suffered by them by reason of their service, the State of Montana hereby grants, and there shall be paid to, each resident of Montana who was in military service as a member of any branch of the military forces of the United States at some time during World War II an honorarium, or adjusted compensation, of the sum of ten dollars (\$10.00) for each month and major fraction of a month of such service within the continental limits of the United States, and the sum of fifteen dollars (\$15.00) for each month and major fraction of a month of such service outside the continental limits of the United States, provided that there shall be paid to any resident of Montana who has received or is entitled to receive from any other state or territory of the United States a gratuity, bonus, honorarium, adjusted compensation, or similar payment for military service in the military forces, no more than the excess, if any, of the aggre-

Grant of
adjusted
compensation
to W. W. II
veterans.

gate amount to which such resident would be entitled hereunder, over and above the amount so received or to which he or she may be entitled from another such state or territory; and provided further that no payment shall be made under this law to any person who was dishonorably discharged from such service and has not been by proper authority restored to an honorable status, nor to any person still in service who is in a dishonorable status.

Payment to
surviving
spouse or
children,
or parents.

“Section 3. In case of the death, prior to payment under this law, of any such serviceman, the amount to which he or she was entitled shall be paid (1) to his or her surviving spouse, providing such surviving spouse, if a widow, has not remarried prior to making application for such payment, or (2) if there is no surviving spouse, or if a widow, she is deceased or has remarried prior to making such application, then to the surviving children, or (3) if there is no surviving spouse, or if there was a widow and she has remarried or is deceased, and if there are no surviving children, then such payment shall be made to the parents of the deceased serviceman or to the survivor of such parents.

Applications
and proofs.

“Section 4. All payments provided for in sections 2 or 3 of this law shall be made upon applications made by claimants in the form prescribed by this law, to be filed with the state board of examiners. Said board shall pass upon all applications and upon the proof offered in support thereof, and upon the approval of any application by said board it shall file the same with the state auditor, who shall immediately issue to such applicant a warrant upon the war veterans' compensation fund hereinafter provided for, in the amount allowed by said board and make personal delivery of such warrant to the applicant, or mail the same to the applicant at the current address shown in such application.

Guardian,
custodian or
fiduciary may
claim for
minors or
incompetents.

“Section 5. In the case of minors or incompetent persons, claims shall be filed by and payments made to his or her guardian, *or legal custodian or other fiduciary as defined and recognized by the United States veterans' administration under the provisions of section 450, title 38/USCA.*

Time limit
January 1, 1954

“Section 6. All applications for the payment of the honorarium or adjusted compensation herein provided for

shall be filed with the board of examiners before the *first day of January, 1954*: and the filing of an application with a county clerk and recorder of any county of this state shall be deemed, for the purposes of this section, to have been filed with said board as of the date of filing with such clerk and recorder. Upon receiving any such application such clerk and recorder shall give the applicant a receipt therefor, stating therein the exact time of such filing, and shall immediately endorse the fact and time of filing upon such application, over his signature and seal, and immediately transmit such application to the said board of examiners. Any filing with such board or with any such clerk and recorder within the time limited by this section shall be effective to preserve the rights of the applicant though such application as so filed shall be defective, provided defects therein are later corrected under reasonable rules to be adopted by said board.

Procedure.

“Section 7. All applications by servicemen shall contain (1) the full name of the applicant, (2) the then address of the applicant, (3) the date and place of birth of the applicant, (4) the name under which the applicant served in the military forces, (5) the date of beginning and the date of ending of service within the continental limits of the United States, (6) the date of beginning and the date of ending service outside such continental limits, (7) the date and place where applicant was discharged from active service, or if still on active duty, the name of the organization in which he is then serving, (8) applicant's residence at the time of entry into active service in such military forces, (9) the selective service office in which applicant was registered, (10) whether applicant has received or is entitled to receive an honorarium or similar payment from any other state or territory of the United States, and if so, the amount thereof.

Applications,
contents.

“Applications by the heirs of a deceased serviceman shall contain all the information concerning such serviceman as required in an application by such serviceman, so far as obtainable by such applicant, and the necessary facts upon which the applicant claims the right to such payment.

“The board of examiners shall cause to be printed an ample supply of application forms, and shall furnish to each clerk and recorder in Montana an adequate supply of such application forms.

Board
examiners,
rules,
regulations.

“Section 8. The board of examiners shall adopt all necessary rules and regulations for handling applications for the payments herein provided for, and for the adjudication of questions of fact and of law arising upon such applications, and may accept and consider any form of evidence, including affidavits and other forms of evidence tending to establish claims with reasonable certainty, although not in form admissible in a civil action, it being the intent of this law that it shall be administered liberally to the end that no person entitled to payment hereunder shall be denied, so far as reasonably possible.

Public officials
to give
assistance.

“Section 9. The attorney general, the state director of the veterans’ welfare commission, and the employees of said commission, and all other state, and all county, officers shall render without charge all assistance possible to the board of examiners in the administration of this law, and to applicants for payment in the preparation of applications and making proof thereunder.

Right non-
assignable, nor
subject to
encumbrance.

“Section 10. The right to receive payment of the honorarium, or adjusted compensation, herein provided for, shall not be assignable, may not be pledged, mortgaged, or otherwise encumbered, and shall not be subject to attachment nor to levy under execution or other judicial process.

Duties of board
examiners.

“Section 11. The state board of examiners is hereby authorized and directed to procure such printing and office supplies and equipment, and to employ such persons, at such compensation as shall be fixed by said board of examiners, as may be necessary in order to properly carry out the provisions of this law, and all expenses incurred by said board in the administration of this law shall be paid by the state auditor by warrants drawn upon the war veterans’ compensation fund.

Bonds may
be issued,
limitations,
terms.

“Section 12. For the purpose of providing for the payment of the honorarium, or adjusted compensation, herein provided for and for paying the expenses of administration of this law, there shall be issued and sold under the direction and supervision of the board of examiners, limited obligation bonds of the State of Montana in the sum of twenty-two million dollars (\$22,000,000.00), or in such sum within that amount as may be necessary for such purposes. Such bonds shall distinctly state that they are not and shall never be or become a general obligation of the State of

Montana, but shall be payable only from the proceeds of a cigarette tax in the manner in this law provided; shall contain the pledge of the State of Montana to continue to levy and collect the cigarette tax in this law provided for and place the proceeds thereof in the war veterans' compensation bond retirement fund, until all bonds issued hereunder, and the interest accruing thereon, shall have been paid; shall draw interest at the rate of not more than four per cent (4%) per annum, payable semiannually; but in all other respects the board of examiners is hereby empowered and directed to fix the terms thereof, as to dates of maturity, the time after which and the terms and conditions upon which they may be called for payment prior to maturity; whether payable to bearer or registered, whether serial bonds or otherwise, and to prescribe the general form of such bonds; and said board of examiners is hereby empowered to do whatever is lawful and necessary in the issuance and payment of such bonds and the interest thereon and the administration of this law. The attorney general shall assist the board in the preparation of the form of such bonds. Such bonds shall be signed by the members of the board of examiners and be issued under the great seal of the State of Montana, and a record of all such bonds issued and sold shall be made in the office of the state treasurer. Said bonds shall have interest coupons attached thereto, covering the interest due semiannually, which coupons shall be executed with facsimile signatures of all the members of said board of examiners, and the signing of such coupons with such facsimile signatures shall be recognized as sufficient execution of such coupons on behalf of the State of Montana.

"Section 13. The bonds provided for in this law may be disposed of by the state board of examiners from time to time in such amounts as it may deem necessary to make prompt payment of claims allowed hereunder, and of expenses of administration, and in such manner as in the judgment of said board shall be to the best interests of the State of Montana in carrying out the provisions of this law; provided that no bond shall be disposed of for less than its par value and accrued interest.

Disposal
of bonds.

"Section 14. The money arising from the sale of said bonds shall be deposited in the state treasury to the credit of a special fund to be known as the war veterans' com-

Deposit of
money in war
veterans'
compensation
fund.

pensation fund, which shall be used for the payment of the honorarium or adjusted compensation provided for in this law. For the purpose of carrying out the provisions of this law, there is hereby appropriated from the war veterans' compensation fund the sum of twenty-two million dollars (\$22,000,000.00), or so much thereof as may be necessary.

Appropriation.

Bonds legal investment for state funds.

"Section 15. Bonds issued under the provisions of this law shall be a legal investment for any of the funds of the State of Montana, except funds which may not, by reason of any constitutional limitations, be invested in limited obligations of the state.

Cigarette tax levy increased.

"Section 16. For the purpose of creating the fund for the retirement of said bonds upon maturity, or when called for payment, and the payment of interest thereon as it falls due, the excise tax levied, imposed and assessed by Chapter 289 of the Session Laws of Montana of 1947, now a part of Title 84, Revised Codes of Montana of 1947, is hereby increased by the following additional amounts, to-wit:

Two cents (2¢) on each package containing not more than twenty (20) cigarettes, and when a package shall contain more than twenty (20) cigarettes, then two cents (2¢) for each twenty (20) or fraction of twenty (20) cigarettes contained in such package.

"Such additional tax shall be collected at the same time and in the same manner as the tax originally levied, imposed and assessed by said Chapter 289.

Amending existing tax statutes.

"For the purpose of giving full legal effect to the said increase of said excise tax, section 84-5606 of said title 84 (being section 6 of said chapter 289), and section 84-5621 of said title 84 (being section 21 of said chapter 289), are hereby amended so as to read as follows:

'Section 84-5606. Subdivision — (1) From and after the effective date of this amendatory law, there is hereby levied, imposed and assessed, and there shall be collected and paid to the State of Montana, upon cigarettes sold or possessed in this state, the following excise tax which shall be paid prior to the time of sale and delivery thereof, to-wit: Two cents (2¢) on each package containing not more than twenty (20) cigarettes, and when packages shall contain

more than twenty (20) cigarettes, then two cents (2¢) on each twenty (20) or fraction of twenty (20) cigarettes contained in such package.

‘Subdivision—(2) From and after the effective date of this amendatory law there is hereby levied, imposed and assessed, and there shall be collected and paid to the State of Montana, upon cigarettes sold or possessed in this state, the following excise tax, in addition to the excise tax on cigarettes, levied, imposed and assessed by subdivision (1) of this section 84-5606, an additional tax which shall be paid prior to the time of sale and delivery of such cigarettes, to-wit:

‘Two cents (2¢) on each package containing not more than twenty (20) cigarettes, and when packages shall contain more than twenty (20) cigarettes, then two cents (2¢) on each twenty (20) or fraction of twenty (20) cigarettes contained in such package; which additional tax shall continue in force until the payment and retirement of all bonds of the State of Montana, and the payment of interest thereon, issued for the purpose of paying an honorarium to the residents of this state who were in military service in the military forces of the United States in World War II.

‘Within seventy-two (72) hours after receipt by the distributor or retailer of any such cigarettes, except as herein-after provided, he shall cause to be securely affixed thereto, the required stamps denoting the tax thereon. Said stamps shall be properly cancelled prior to sale or removal for consumption under such regulations as the board may prescribe. Each package shall have the required stamp to affix thereto in such a manner that the stamp will be destroyed when the package is opened. Every person who shall make, alter, forge or counterfeit any license stamp or insignia provided for in this law, or who shall assist or be concerned therein, or who shall have in his possession any altered, forged, counterfeit or spurious stamp, license or insignia, with intent to defraud the state, is guilty of forgery, and shall be punished by imprisonment in the state prison for not less than one (1) year or more than fourteen (14) years.’ ”

Stamps,
procedure.

“ ‘Section 5621. **Clerical and Field Assistants.** The board is hereby authorized to employ such clerical and field assistants as may be necessary to properly administer

Clerical
and field
assistants.

the provisions of this law. All moneys collected under the provisions of subdivision (1) of Section 84-5606 of the Montana Revised Codes of 1947, less the expense of collecting all the taxes levied, imposed and assessed by said section 84-5606, shall be paid to the state treasurer and deposited in the general fund of the state. All taxes levied, imposed and assessed under the provisions of subdivision (2) of said section 84-5606 shall, when collected, be paid to the state treasurer and credited to a special fund known as the war veterans' compensation bond retirement fund, which fund shall be kept segregated from all money in the state treasury and shall, while any of the bonds hereafter issued and sold for the purpose of paying an honorarium, or adjusted compensation, to the residents of Montana who were in military service in the military forces of the United States in World War II, or any of the interest thereon, remain unpaid, be available for the payment thereof.' "

Disposition of
tax moneys.

"All moneys derived from such additional tax shall be paid to the state treasurer and credited to a special trust fund to be known as the war veterans' compensation bond retirement fund, which shall be kept segregated from all money in the state treasury and shall, while any of the bonds herein authorized or any interest thereon remain unpaid, be available solely for the payment thereof.

Bonds not
general
obligation
of state —
limitation on
payment.

"Section 17. The bonds issued under the provisions of this law shall not be or become a general obligation of the State of Montana, but shall be payable solely from the proceeds of the cigarette tax herein provided for; but the State of Montana undertakes to continue to levy and collect the additional tax upon cigarettes levied and imposed by this law and to place the proceeds thereof in the war veterans' compensation bond retirement fund and to make said fund available to meet payments of principal and interest upon such bonds when due until all of such bonds and the interest thereon shall have been paid.

Penalty.

"Section 18. Any person who, with intent to defraud, subscribes to any false oath or makes any false representation, either in the application herein provided for, or in the proof offered in support thereof, for the purpose of obtaining payment hereunder when he is in fact not entitled to such payment, shall be guilty of a felony and punishable accordingly.

"Section 19. The legislature of Montana may provide additional means of raising money for the payment of the interest and principal of said bonds, and this law shall not be deemed to provide an exclusive method for such payment. The power given to the legislature by this section is permissive and shall not be construed to constitute a pledge of the general credit of the State of Montana.

Additional means of raising money may be legislated.

"Section 20. If any provision contained in this law shall for any reason be held invalid, such decision shall not invalidate the remaining portions of this law.

Severability.

"Section 21. This *act* shall be in full force and effect from and after its *passage and approval*."

Effective immediately.

Section 22. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved February 28, 1953.

CHAPTER 124

An Act to Amend Section 46-2305 of the Revised Codes of Montana, 1947, as Amended by Chapter 13 of the Session Laws of Montana, 1949, Relating Respectively to the Appointment of the Secretary of the Montana Grass Conservation Commission; the Duties of Said Secretary; and the Compensation of Said Secretary; and Repealing All Acts and Parts of Acts in Conflict Therewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 46-2305 of the Revised Codes of Montana, 1947, as amended by Chapter 13 of the Session Laws of Montana, 1949, be, and the same is hereby amended to read as follows:

Amending clause.

"46-2305. **Secretary — Compensation.** The commission shall select and appoint a secretary and said secretary shall be the executive officer of the commission and shall be controlled and directed by the rules and regulations established by the commission from time to time and applicable to the duties of his office. The commission shall fix the salary of the secretary not to exceed *four* hundred dollars (\$400.00) per month."

Grass commission secretary, compensation.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Effective immediately. Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 28, 1953.

CHAPTER 125

An Act to Amend Chapter 49 of the Session Laws of the Thirty-second Legislative Assembly of the State of Montana, 1951, Relating to Salary and Expenses of Stenographer, Apportionment Thereof, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause. Section 1. That Chapter 49 of the Session Laws of the Thirty-second Legislative Assembly of the State of Montana, 1951, be, and the same is hereby amended to read as follows:

Court stenographer—salary, expenses, apportionment. “93-1906. (8933) **Salary and Expenses of Stenographer — Apportionment.** Every stenographer appointed under the provisions of this chapter receives an annual salary of *four thousand eight hundred (\$4800.00)* dollars and no other compensation except as provided in section 93-1904, *provided, however, that all transcripts and bills of exceptions required by the county shall be furnished without cost,* payable in monthly installments out of the general funds of the counties comprising the district for which he is appointed, according and in proportion to the number of civil and criminal actions entered and commenced in the district courts of such counties respectively in the preceding year; and it shall be the duty of the judge of such district, on the first day of January of each year, or as soon after as may be, to apportion the amount of such salary to be paid by each county in his district on the basis aforesaid. The stenographer is allowed, in addition to the salary and fees above provided, in judicial districts comprising more than one (1) county, his actual and necessary expenses of transportation and living when he goes on official business to a county of his judicial district other than the county in which he resides, from the time he leaves his place of residence until he returns thereto, said expenses to be apportioned and payable in the same way as the salary.”

County not to pay for transcripts, bills of exceptions.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing
clause.

Approved March 2, 1953.

CHAPTER 126

An Act Empowering the Fish and Game Commission of the State of Montana to Set Aside Deer Seasons Wherein Deer May be Hunted and Taken Only With Bow and Arrow; Providing for Regulations Relating Thereto; and Providing That Only the Owner of a Special Bow and Arrow License May Hunt or Take Deer During Such Seasons as Prescribed by Said Commission; Providing for a License Fee for Bow and Arrow Hunters in Addition to Other Licenses Required by Section 26-205, Revised Codes of Montana, 1947, as Amended by Chapter 142 of the Session Laws of 1951 of the State of Montana; Providing That Bow and Arrow Hunters Not Killing Deer During Bow and Arrow Season May Procure a Regular Big Game License and Hunt During the Regular Deer Season.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The fish and game commission of the State of Montana shall have the authority to designate special seasons during which deer may be hunted and taken only by the bow and arrow, and provide regulations relating thereto.

Fish and game
commission —
power to
designate bow
and arrow
hunting
seasons.

Section 2. Any person who wishes to hunt or take, with a bow and arrow, deer during a special season, as same may be designated by the commission, must first obtain a special bow and arrow license, the fee for which shall be two dollars (\$2.00) in addition to other licenses required by Section 26-205 of the Revised Codes of Montana, 1947, as amended by Chapter 142 of the Session Laws of 1951 of the State of Montana. Bow and arrow hunters not killing deer during bow and arrow seasons may procure the regular big game license and hunt deer during the regular deer season.

Special license,
fee.

Approved March 2, 1953.

CHAPTER 127

An Act to Amend Section 26-105 of the Revised Codes of Montana, 1947, as Amended by Section 1 of Chapter 6 of the Session Laws of the State of Montana, 1951, Relating to the Compensation of Commissioners to Provide That the Members of the Fish and Game Commission Shall Receive a Per Diem of Fifteen Dollars (\$15.00) Per Day While on Official Business and Setting the Annual Limitation of Compensation for Each Commissioner Not to Exceed Six Hundred Dollars (\$600.00).

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 26-105 of the Revised Codes of Montana, 1947, as amended by Section 1 of Chapter 6 of the Session Laws of the State of Montana, 1951, be, and the same is hereby amended to read as follows:

Compensation of
fish and game
commissioners,
limitation.

“Section 26-105. **Compensation of Commissioners.** The members of the commission shall receive no compensation for their services as members thereof, except a per diem of fifteen dollars (\$15.00) for each member for every day in actual attendance *at the* meetings of said commission, or in the execution of their duties as members of said commission; provided, however, that in no instance shall any member of said commission receive as said per diem a sum in excess of six hundred dollars (\$600.00) in any one (1) year, and the members of said commission shall be allowed their actual and necessary traveling expenses, while performing their duties as members of said commission, which shall be paid from the fish and game fund of the State of Montana upon presentation of proper vouchers therefor.”

Repealing
clause.

Section 2. Repealing all acts and parts of acts in conflict herewith.

Approved March 2, 1953.

CHAPTER 128

An Act Relating to the Investigation of Contractual Awards of the State of Montana; Declaring the Purposes of This Act; Creating a Commission to Investigate Contracts Awarded by the State of Montana for the Construction

of Buildings and Improvements, Architectural and Engineering Services in Connection Therewith, Public Works, Highways, Bridges and Highway Improvements; Naming of Such Commission; and Prescribing the Powers and Duties of Such Commission.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. It is the purpose of this act to provide for a comprehensive, thorough and complete review, study and investigation of the methods, procedures and means for the award of contracts by the State of Montana for the construction of public buildings and improvements, architectural and engineering services, public works, highways, bridges and highway improvements, and of the work done and performed under such awards, for the purpose of determining whether such awards have been made, and the work provided to be done under such awards has been done and performed, in accordance with the laws of the State of Montana; to report inefficiency, abuses or violations of the law, if any violations of the law are found to have occurred, in respect to the award of such contracts and the work performed thereunder; and to recommend a program of improvement and/or correction which will insure a more economical and efficient expenditure of the public moneys for such improvements.

Purpose
of act.

Section 2. There is hereby created a commission which shall be known as the "commission on investigation of contract awards", to be composed of four (4) members, two (2) members of which be from the state senate and who shall be appointed by the committee on committees of the state senate, no two (2) being of the same political faith, one (1) member of which shall be designated chairman, and two (2) members from the house of representatives to be appointed by the speaker of the house of representatives, no two (2) being of the same political faith. The members shall be appointed within one (1) day after the passage and approval of this act.

"Commission on
investigation of
contract
awards"
created.

Members.

Section 3. The commission shall organize within thirty (30) days after the passage and approval of this act. It shall elect such officers, other than the chairman designated, from its membership as it may deem desirable. It is empowered to adopt rules of procedure and to make all

Organization,
rules of
procedure,
expenses.

arrangements for its meetings to carry out the purposes for which it is created. It shall keep an accurate record of its activities and proceedings. It is authorized to employ counsel and such other personnel, not members of the commission, as it deems necessary to carry out the purposes for which it is created. All members of the commission shall receive actual traveling and other expenses incurred in the discharge of their duties, including attendance at meetings. All expenses of the commission paid from the moneys appropriated shall be paid in the usual manner of payment of claims against the state.

Powers of
commission,
hearings,
investigations,
subpoena
power.

Section 4. The commission is empowered to hold public hearings and to make such investigations as it deems necessary and desirable. It shall have the power to issue subpoenas and cause them to be served, to compel the attendance of witnesses before it, the same as is now provided for the attendance of witnesses before either house of the legislative assembly, or a committee thereof. Such subpoenas shall be signed by the chairman of the commission, may be served by any elector in the state, and if any witness neglects or refuses to obey such subpoena, or appearing, neglects or refuses to testify, the commission may by due resolution passed, commit him for contempt. Any witness neglecting or refusing to attend in obedience to a subpoena may be arrested by any sheriff and brought before the commission. All departments, institutions, agencies, boards and divisions of the state government shall make available without charge their records, statistics and data necessary or convenient to fulfill the purposes of this act.

Power to
commit.

Commission
report to
34th assembly.

Section 5. The commission shall report its findings, recommendations and such proposed legislative enactments as it deems necessary to carry out the purpose of this act to the thirty-fourth legislative assembly of the State of Montana on or before the tenth legislative day of said legislative assembly.

Effective
immediately.

Section 6. This act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1953.

CHAPTER 129

An Act to Amend Section 26-205 of the Revised Codes

of Montana, 1947, as Amended by Chapter 142 of the Laws of 1951, Relating to the Classes of Licenses for Hunting and Taking Game and Fish and Fur-bearing Animals Within the State of Montana; the Fees and Powers Under Such Licenses; Providing Rules for Determining Residence for the Purpose of Issuing Resident Hunting and Fishing Licenses; Placing a Limitation on the Issuance of Big Game Licenses to Children Under the Age of Twelve (12) Years; Providing for the Tagging of Big Game Animals and Fixing Penalty for Violation of the Act, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 26-205 of the Revised Codes of Montana, 1947, as amended by chapter 142 of the laws of 1951, be, and the same is hereby amended to read as follows:

Amending
clause.

“Section 26-205. (3685) **Fees and Powers Under Licenses — Tagging of Carcasses.** Any resident citizen of the State of Montana *who has resided in this state for at least six months preceding his application for a license*, shall pay to the officer or person countersigning and issuing the license the sum of three dollars (\$3.00) as a license fee, and shall obtain a license of class A, which shall entitle the holder to pursue, hunt, shoot, kill, capture, take and possess game birds and to fish with hook and line or rod in hand as authorized by this act.

Fees and
powers under
licenses,
qualifications.

“Said resident citizen who is a holder of a class A license shall pay to the officer or person countersigning and issuing the license the sum of two dollars (\$2.00) and shall obtain a license of class AA, which shall entitle the holder to pursue, hunt, shoot, kill, capture, take and possess game animals of this state which may hereinafter be authorized by the fish and game commission, *providing that a class AA license shall not be issued to any person under the age of twelve (12) years.*

Age limit.

“Officers, soldiers and sailors of the United States army, navy, air forces, marine or coast guard, who are assigned to duty in Montana, and after a period of thirty (30) days of residence within Montana upon presenting assignment orders emanating from the proper unit commander, shall

be considered residents for the purpose of this act. The thirty (30) day resident requirement is waived in time of war.

Residence,
bases of.

“In determining the place of residence for the purpose of issuing hunting and fishing licenses, the following rules are to be observed:

1. The state in which a person last registered for voting and in which he is entitled to vote shall be deemed his place of residence.

2. Any person in possession of first citizenship papers only, shall not be considered a resident citizen of the State of Montana.

3. That place must be considered and held to be the residence of a person in which his habitation is fixed and to which, whenever he is absent, he has the intention of returning, except that if a person removes to another state with the intention of remaining for an indefinite time as a place of residence, he loses his residence in this state notwithstanding he entertains an intention of returning at some future time.

Non-resident
license fee —
classes.

“Said applicant, if a non-resident of the state or a resident citizen for less than six (6) months immediately preceding his application for a license shall pay to the officer countersigning and issuing the license the sum of ten dollars (\$10.00) as a license fee, and shall obtain a class B license, which shall entitle the holder to fish with hook and line or rod in hand, as authorized by this act; and such non-resident, on like application and on the payment of the sum of twenty-five dollars (\$25.00) as a license fee, shall obtain a class B-1 license, which shall entitle him to pursue, hunt, shoot, kill, capture, and take game birds as authorized by this act; and such non-resident, on like application and on the payment of the sum of one hundred dollars (\$100.00) as a license fee, shall obtain a license of class B-2, which shall entitle the holder to pursue, hunt, shoot, kill, capture, take and possess game animals as may hereinafter be authorized by the fish and game commission and to fish with hook and line or rod in hand as authorized by this act; and in addition there shall be attached to such class B-2 license a permit which will authorize the holder thereof to ship out of the state one shipment of fish and game.

“To every license, whether issued to a resident or non-resident, which authorizes the licensee to kill elk, deer, moose or antelope in this state, there shall be attached to said license certain tags, coupons or other markers, the form of which shall be prescribed by the state fish and game commission, and when any person shall take or kill any deer, elk, moose or antelope under such license such person shall immediately thereafter detach from his license, and attach in plain sight to the carcass of said animal or animals the proper tag, coupon or other marker, completely filled out with the name of the license holder, address, date the animal was killed, the place the animal was killed, and any other information requested, which tag, coupon, or other marker shall be kept attached thereto so long as any considerable portion of the carcass remains unconsumed. Such tag, coupon or other marker shall be valid only when attached to said license or when such tag, coupon or other marker has been completely filled out and attached to a legally taken game animal and when the proper tag, coupon or other marker is attached to the said game so killed, the same may be possessed, used, stored and transported; provided the necessary permit to transport the same accompanies the shipment. Whenever any person who shall kill any deer, elk, moose or antelope by authority of any license issued for the killing of such game animal, shall fail or neglect to fill out and attach the tag, coupon or other marker so provided with the license issued, to the carcass of said deer, elk, moose or antelope, or portions thereof, *or any person who shall fail to keep said tag, coupon or other marker attached to said deer, elk, moose or antelope or portions thereof while the same is possessed by him*, shall be guilty of a misdemeanor and upon conviction thereof shall be punished as provided for in Section 26-324, of the Revised Codes of Montana, 1947.

Game tags,
use required.

Penalty.

“The applicant for a class D or trapper’s license, must be in possession of a class A license, and upon the payment of ten dollars (\$10.00), shall receive and obtain a class D license, or trapper’s license which shall authorize the holder thereof to trap fur-bearing animals within the state at such times and in such maner as may be lawful so to do under the laws of this state and the regulations of the fish and game commission, and at such places as may be designated in said license.”

Trapper’s
license.

Repealing
clause.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 2, 1953.

CHAPTER 130

An Act to Amend Section 31-135 of the Revised Codes of Montana, 1947, as Amended by Chapter 135, Laws of the Thirty-second Legislative Assembly, 1951, Relating to the Drivers Licenses Issued to Operators and Chauffeurs Driving Motor Vehicles Upon Highways of and in the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 31-135 of the Revised Codes of Montana, 1947, *as amended by chapter 135, laws of the thirty-second legislative assembly, 1951*, be, and the same is hereby amended to read as follows:

Licenses issued
to operators
and chauffeurs,
fee, form,
procedure.

“Section 31-135. **Licenses Issued to Operators and Chauffeurs.**

“(a) The highway patrol board shall have authority to appoint county treasurers and other qualified officers to act as its agent or agents for the sale of drivers licenses, and shall make necessary rules and regulations governing such sales. The board shall, upon payment of three dollars (\$3.00), issue to every applicant qualifying therefor, an operator's or chauffeur's license as applied for, which license shall be purchased *biennially* on or before the operator's or chauffeur's birthday, and shall expire on the anniversary of the date of birth of the operator or chauffeur, two (2) years or less after the date of issue, and shall bear thereon, a distinguishing number issued to the licensee, the full name, date of birth, residence address, and a brief description of the licensee and either a facsimile of the signature of the licensee or a space upon which he shall write his signature in pen and ink, immediately upon receipt of the license. No license shall be valid until it has been so signed by the licensee, but all operators' or chauffeurs' licenses renewed in the year 1951 shall expire December 31, 1951.

“(b) Every operator’s or chauffeur’s license issued hereunder shall be valid for a term of two (2) years, except as otherwise provided, and shall be renewed for a like period on or before the second anniversary of the licensee’s date of birth next succeeding date of issue for a further period of two (2) years from such anniversary, upon receipt of the application and fee as in the case of original application as provided herein. Notwithstanding the foregoing provisions the highway patrol board shall change the expiration dates to a system of staggered expiration dates based on the anniversary date of birth of the applicant and shall collect additional fees as hereinafter provided.

Licenses
valid for
2 years.

“(c) Effective January 1, 1952, and until December 31, 1952, each applicant who was born prior to January 1, 1910, shall apply for an operator’s or chauffeur’s license to expire on the 1953 anniversary of his birth and shall pay, therefor, a fee of twenty-five cents (25¢) for each two (2) months’ period, or fraction thereof, of the effective life of such license. Each applicant who was born on or after January 1, 1910, shall apply for an operator’s or chauffeur’s license to expire on the 1954 anniversary of his birth, and shall pay therefor, a fee of twenty-five cents (25¢) for each two (2) months, or fraction thereof, of the effective life of such license.

Expiration on
birthdate.

“(d) Whenever the board issues an original license to a person under the age of twenty-one (21) years, such license shall be designated and clearly marked as a ‘provisional license’. Any license so designated and marked may be suspended by the board for a period of not more than twelve (12) months, when its record discloses that the licensee, subsequent to the issuance of such license, has been guilty of careless or negligent driving. Upon renewal as applicable to operator’s licenses, the board may for any reasonable cause, as shown by its records, designate the renewal of the license as provisional, otherwise, a license in usual form shall be issued subject to other provisions of the laws of Montana.

Provisional
licenses —
1 year.

“(e) It shall be unlawful for any person to have in his possession or under his control, more than one (1) Montana operator’s or chauffeur’s license at any one time.”

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing
clause.

Effective immediately. Section 3. This act shall be in full force and effect from and after the date of its passage and approval.

Approved March 2, 1953.

CHAPTER 131

An Act Authorizing the Leasing for Oil and Gas Development Purposes of Real Property Owned by Counties, Cities, Towns, School Districts or Incorporated Political Subdivisions; Providing for Minimum Royalties and Maximum Terms of Such Leases; Providing That Nothing Contained in This Act Shall Authorize the Leasing of Lands Acquired by a County by Tax Deed Except Under the Provisions of Section 84-4194 of the Revised Codes of Montana, 1947; Authorizing the Pooling or Unitization of Such Real Property With Other Real Property; and Providing That Leases of Real Property Acquired or Held for a Specific Purpose Shall Contain Protective Provisions to Prevent Interference by the Lessee With the Normal Use of Such Real Property for Such Purpose.

Be it enacted by the Legislative Assembly of the State of Montana:

Power of political subdivisions to lease real property for oil and gas development.	Section 1. The governing body of any county, city, town, school district or incorporated political subdivision within the State of Montana, may, if deemed for the best interests of the county, city, town, school district, or incorporated political subdivision, lease any real property owned by the county, city, town, school district or incorporated political subdivision for oil and gas development purposes.
Terms of lease.	Such leases shall be made upon the best terms obtainable; shall provide for such terms, except as hereinafter provided, as the governing body shall deem to be for the best interests of the county, city, town, school district or incorporated political subdivision; shall reserve a royalty of not less than twelve and one-half per cent (12½%) which shall include any royalty payable to any person other than the lessor; and shall be for periods not exceeding ten (10) years and so long thereafter as oil, gas or other hydrocarbons shall be produced from the premises embraced in the lease; provided, however, that nothing contained herein shall authorize the leasing of lands acquired by a county by tax deed except under the provisions of Section 84-4194.
Proviso.	

Revised Codes of Montana, 1947, which section is hereby declared in full force and effect.

Section 2. When deemed in the best interests of the county, city, town, school district or incorporated political subdivision, the governing body may enter into agreements for the pooling of acreage with others for unit operations for the production of oil or gas, or both, and for the apportionment of oil or gas royalties, or both, on an acreage or other equitable basis, and may modify existing leases and leases hereafter entered into with respect to delay rentals, delay drilling penalties and royalties in accordance with such pooling agreements, and such unit plans of operation; provided, however, that such agreements shall not change the percentages of royalties to be paid to the county, city, town, school district or incorporated political subdivision from the percentages as fixed in its leases.

Pooling of
acreage for
unit operation.

May modify
lease forms.

Section 3. In the event such real property is held or used for a specific purpose, any lease made under the provisions of this act shall contain such protective provisions as may be necessary to prevent any interference by the lessee with the normal use of such real property for such purpose by the county, city, town, school district or incorporated political subdivision.

May protect
normal uses
of lands.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing
clause.

Section 5. This act shall be in full force and effect from and after its passage and approval.

Effective
immediately.

Approved March 2, 1953.

CHAPTER 132

An Act to Provide for Reciprocal Allowance of Credits for Refunds, Retirement Allowance, Death Benefit, or Disability Allowance Between the Public Employees' Retirement System of Montana and the Teachers' Retirement System of the State of Montana and for the Transfer of Certain Funds Between Said Systems.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. **Reciprocity of Credit:** Any person who has acquired, or shall acquire, credits or equities toward a

Reciprocity
of credit —
P.E.R.'s. and
teachers' retire-
ment system.

retirement allowance, death benefit, or refund of contributions under the public employees' retirement system of Montana, or under the teachers' retirement system of the State of Montana, who terminates his employment in a department, agency, or division of the State of Montana, or in a school, college, or university in the State of Montana, covered by any of said systems and shall become employed in a department, agency, division, school, college or university covered by another of said systems, shall be entitled to have applied in such other system all his said credits or equities in accordance with and to the extent set forth in this act, provided that the same shall not have been forfeited by withdrawal unless the forfeited credits shall have been reinstated as by law provided. Any person who is concurrently employed by employers under both of said systems shall be entitled to establish credits or equities in each of said systems in accordance with and to the extent set forth in this act.

Eligibility for
benefits
governed by
system last
contributed to.

Section 2. **Eligibility for Benefits:** Eligibility of any such person for a retirement allowance, or for a death benefit or for a disability benefit, or for a refund of contributions shall be governed by the provisions of the act creating the system to which the person last made contributions, provided however that said system, in determining such eligibility, shall take into account the entire length of service rendered by such person for which he shall have been granted credit under both of said systems.

Transfer of
membership.

Section 3. Upon transfer of an employee from one system to another, his accumulated contributions or accumulated normal contributions, and his service credits, both prior and membership, as certified by either system shall be transferred to the system to which the employee transfers.

Amount of
benefit
governed by
system last
contributed to.

Section 4. The amount of any refund, retirement allowance, death benefit, or disability allowance to which any such employee shall be entitled, shall be determined according to the rules of the system to which he last contributed.

Severability.

Section 5. If any clause, sentence, paragraph, section, subdivision, or part of this act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, inoperative, or unconstitutional, such decisions shall not affect, impair or invalidate the remaining portions of this act, but shall be confined in its operation to the

clause, sentence, paragraph, section, subdivision or part directly adjudged to be invalid, inoperative or unconstitutional.

Section 6. All acts or parts of acts in conflict herewith are hereby repealed.

Repealing
clause.

Section 7. This act shall be in full force and effect from and after its passage and approval.

Effective
immediately.

Approved March 2, 1953.

CHAPTER 133

An Act to Provide for the Payment of Fees and Issuance of Permits to Persons, Firms and Corporations Transporting New Vehicles Over the Highways, From Manufacturing or Assembling Points to Dealers in This State or in Other States, Territories, Foreign Countries or Provinces, by Drive-away or Tow-away Methods, Where Such Vehicle Will Only be Transported on the Highways of Montana Once; Providing for the Fees for Issuance of Transit Plates; Providing for the Collection of Such Fees by the Registrar of Motor Vehicles; Providing for the Display of Such Transit Plates; Providing for the Furnishing of List of Permit Holders and Transit Plates to the State Highway Commission; Providing for the Payment of Trip Fees; Providing for the Deposit of 95 Percent of Such Funds From Trip Fees in the State Highway Fund in the State Treasury; Providing That the Fees Are in Addition to Fees Due and Payable by For-hire Carriers; Providing That the Fees Are in Lieu of Certain Other Fees and Are in Consideration of the Use of the Highways of This State; Providing That This Act Shall Not Apply to Certain Vehicles; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Every person, firm, partnership or corporation, regularly and lawfully engaged in the transportation of new vehicles over the highways of this state from manufacturing or assembly points to agents of manufacturers and dealers in this state or in other states, territories, foreign countries or provinces, by the drive-away or tow-away

Permit and
transit plates
for caravanning,
fees, eligibility.

methods, where such vehicles being driven, towed or transported by the saddle-mount, tow-bar or full-mount methods, or any lawful combination thereof, will be transported over the highways of the State of Montana but once, may annually apply to the registrar of motor vehicles for a permit to use the highways of this state, and shall pay, upon filing such application, a fee of one hundred dollars. Upon processing of the application, the registrar of motor vehicles shall issue an annual permit to the applicant. The permit holder may also apply to the registrar of motor vehicles for a sufficient number of distinctive transit plates or devices showing the permit number for identification of the vehicles being transported by the permit holder, and such plates or devices may be used on any vehicle being driven, towed or transported by and under the control of the permit holder. The registrar of motor vehicles shall collect the additional sum of one dollar for each pair of transit plates or devices applied for and issued. The registrar of motor vehicles shall retain the permit and plate fees to defray costs of administering this act.

Expiration Dec.
31, annually.

Section 2. The permit and transit plates or devices expire on December 31st of each year.

Display of
transit plates
required.

Section 3. Each vehicle or combination of vehicles transported over the highways of the State of Montana by the permit holder shall display in a prominent position thereon, the distinctive transit plates or devices, the towing vehicle displaying such on the front thereof and a towed vehicle on the rear thereof.

List of permit
and transit
plate holders
to state
highway
commission.

Section 4. The registrar of motor vehicles shall furnish the state highway commission with a list of the permit holders and of the transit plates or devices issued to such permit holders.

Vehicle trip
fee required.

Section 5. In addition to the permit and plate fees, a permit holder using same shall pay to the registrar of motor vehicles, a one-trip fee of five dollars per driven vehicle, such being payable quarterly upon such forms as recommended or supplied by the registrar of motor vehicles, for that purpose, and such payment shall be made within fifteen days following the end of each quarter.

Disposition
of funds.

Section 6. The registrar of motor vehicles shall retain five percent of the funds collected in payment of the trip

fees to defray costs of administration, and the remaining ninety-five percent shall be remitted monthly, on or before the fifteenth day of the month after collection, to the treasurer of the State of Montana for deposit in the state highway fund.

Section 7. The fees herein provided are in addition to any fees now payable by for-hire carriers under the provisions of Chapter 1, Title 8, Revised Codes of Montana, 1947, as amended.

Additional to
carrier fees.

Section 8. The fees provided in this act are in lieu of all other fees including those which might be payable under the provisions of Title 53, Revised Codes of Montana, 1947, as amended, or chapter 219, laws of 1951 as amended, and are declared to be in consideration of the right to use the highways of the State of Montana, provided however, that any such person, firm, partnership or corporation may elect to pay the fees payable under the provisions of chapter 219, laws of 1951, as amended, in lieu of complying with the provisions of this act.

In lieu of
certain other
registration
and use fees.

Section 9. This act shall not apply to vehicles regularly used in the hauling of vehicles by the truck-away method nor to the vehicles so transported, vehicles operated under dealers' licenses or plates, vehicles registerable under any other provisions of law, or to any person not issued a permit hereunder.

Does not
apply to
"truck-away"
haulers, or in
lieu of dealers
plates.

Section 10. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing
clause.

Section 11. This act shall be in full force and effect from and after its passage and approval.

Effective
immediately.

Approved March 2, 1953.

CHAPTER 134

An Act to Amend Section 3-2416 of the Revised Codes of Montana, 1947, to Increase to Ten Dollars (\$10.00) the License Fee to be Paid by Manufacturers of Ice Cream Manufacturing One Thousand (1,000) Gallons or Less of Product per Annum.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3-2416 (2620.16) of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Licensing of
dairy product
plants.

"3-2416. (2620.16) Licensing of Dairy Product Plants.

It shall be unlawful for any person to operate or carry on any creamery, butter factory, cheese factory or ice cream factory without first securing a license from the department, which license shall expire on the 31st day of December of the year in which it is issued. All licenses which heretofore have been issued by the department to any of the establishments named in this and the following section, shall remain in force until their expiration, and the holder thereof shall not be required to procure a new license under the terms of this act until the expiration or revocation of such former license. The following schedule of license fees shall be charged by the department for all licenses issued under this section:

Fee schedule.

"Creameries and cheese factories manufacturing one hundred thousand pounds (100,000 lbs.) or less of product a year, twenty dollars (\$20.00). An addition of five dollars (\$5.00) shall be made to the fee for any such license for each one hundred thousand pounds (100,000 lbs.) or any fraction thereof annually produced in excess of the first one hundred thousand pounds (100,000 lbs.).

Ice cream factories manufacturing one thousand (1,000) gallons or less of product a year, ten dollars (\$10.00). Those producing more than one thousand (1,000) gallons and less than ten thousand (10,000) gallons of product a year, twenty dollars (\$20.00). An addition of five dollars (\$5.00) shall be made to the fee for any such license for each ten thousand (10,000) gallons or fraction thereof annually produced in excess of the first ten thousand (10,000) gallons.

How fee
determined.

"The total year's production of the applicant for a year immediately preceding the application for a license shall determine the amount of any license required by this section; *providing that where no past production record is available, the license to be paid shall be determined by the commissioner of agriculture.*"

Approved March 2, 1953.

CHAPTER 135

An Act to Amend Section 52-322 of the Revised Codes of Montana, 1947, to Increase to One Dollar (\$1.00) the Fee to be Paid to the Recorder of Marks and Brands for Filing and Listing Each Notice of Chattel Mortgages and Notice of Satisfaction or Renewal or Assignment of Chattel Mortgages.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 52-322 (3308.4) of the Revised Codes of Montana, 1947, be, and the same hereby is amended to read as follows:

Amending clause.

“52-322. (3308.4) **Fees — Disposal of.** The general recorders of marks and brands shall charge for filing and listing such notices of chattel mortgages the sum of *one dollar (\$1.00)* for each recorded brand listed in each chattel mortgage, and for filing and listing each notice of satisfaction or renewal or assignment of such chattel mortgage, the sum of *one dollar (\$1.00)* for each recorded brand listed therein. All fees so charged shall be paid into the livestock commission fund.

Fees for filing notices of chattel mortgages by recorders of marks and brands — amount, disposition.

Approved March 2, 1953.

CHAPTER 136

An Act to Create and Establish a State Agency for Surplus Property, to Prescribe Its Powers, Duties, and Functions, and to Authorize Financing for the Same.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. **The State Agency for Surplus Property.** There is hereby created and established a Montana state agency for surplus property, which shall be administered by the state board of education, and which shall be subject to the supervision and direction of the state superintendent of public instruction. The state superintendent of public instruction is authorized to appoint, fix the compensation of, and prescribe the duties of such personnel as are needed to carry out the duties as hereinafter stated.

State agency for surplus property created.

Section 2. **Authority and Duties of the State Agency for Surplus Property.**

Authority and
duties of
state agency.

(a) The state agency for surplus property is hereby authorized and empowered under rules and regulations established by the state board of education to: (1) acquire from the United States of America such property, including equipment, materials, books, or other supplies under the control of any department or agency of the United States of America as may be usable and necessary for educational purposes or public health purposes, including research; (2) to warehouse such property; and (3) to distribute such property to tax-supported medical institutions, hospitals, clinics, health centers, school systems, schools, colleges, and universities within the state, and to other non-profit medical institutions, hospitals, clinics, health centers, schools, colleges, and universities which have been held exempt from taxation under section 101 (6) of the United States internal revenue code, within the state; (4) to take such action, make such expenditures and enter into such contracts, agreements and undertakings for and in the name of the state agency, require such reports and make such investigations as may be required by law or regulation of the United States of America in connection with the receipt, warehousing, and distribution of property received by the state agency for surplus property from the United States of America.

Co-operation
with federal
agencies, and
reporting
thereto.

Section 3. The state agency for surplus property, in the administration of this act, shall cooperate to the fullest extent consistent with the provisions of the act, with the departments or agencies of the United States of America and shall make such reports in such form and containing such information as the United States of America or any of its departments or agencies may from time to time require, and it shall comply with the laws of the United States of America and the rules and regulations of any of the departments or agencies of the United States of America governing the allocation, transfer, use, or accounting for, property donable or donated to the state.

Self-sustaining
from receipts.

Section 4. **Authorization for Financing.** The state agency for surplus property shall be self-sustaining and shall pay for its operation and maintenance directly from receipts from surplus property. At any time the state board of education deems that sufficient surplus has accumulated in the surplus property account, over and above the necessary funds for proper expenditures and reason-

Disposition of
any surplus
funds by board
of education,
determination.

able reserve, a rebate shall be made to all institutions as listed in section 2 (a) which have participated in surplus property purchases during the particular period in which this surplus has accumulated. This rebate shall be determined on a ratio of business transacted by each such institution to the total business transacted by the state agency during the time involved.

Section 5. All acts or parts of acts in conflict herewith are hereby repealed.

Repealing
clause.

Section 6. This act shall be in full force and effect from and after its passage and approval.

Effective
immediately.

Approved March 2, 1953.

CHAPTER 137

An Act to Provide for Appointment of an Interim Committee to Examine Into the Subject of Water Pollution in the State of Montana and to Report Thereon to the Next Legislative Assembly.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. It is hereby declared to be the public policy of this state to conserve and protect, from pollution and contamination, the land, water, air and vegetation of this state, so as to improve the quality of the public water supply, promote the propagation of fish and wildlife, safeguard our agricultural and industrial development, preserve the scenic beauty of our state, and protect the health and homes of our people.

Public policy
declared.

There is hereby created a committee of six (6) members of the legislature: three (3) of whom shall be appointed by the president of the senate, no more than two (2) of whom shall be of the same political party, and three (3) of whom shall be appointed by the speaker of the house, no more than two (2) of whom shall be of the same political party.

Committee
created,
members.

It shall be the duty of the committee to make a study of the problems of pollution and contamination in the State of Montana for the purpose of determining what damage may be done in the future through the operations,

To study future
pollution of
water, air, soil.

of any individual, association, or corporation, that might or do bring on or into the air, soil or waters of this state any sewage, waste, refuse, garbage, injurious gasses, chemicals or minerals or the by-products from their production; and, such committee shall hold hearings, receive complaints, make investigations, study the anti-pollution progress of other states and municipalities; and, such committee shall study industrial operations, and consult with operators of industry and advise and recommend procedures of operation for the elimination of pollution and contamination. Said committee shall be an interim committee and shall be appointed within thirty (30) days after this act takes effect.

Organization of
committee.

Section 2. The committee shall organize within thirty (30) days after appointment. It shall work with and shall have the cooperation of the board of health, state fish and game commission, and the state water conservation board.

Expenses,
limited to
\$1,500.00.

Section 3. The members of the committee shall receive no salary but shall be paid their actual travel expenses going to and from committee meetings and necessary expenses while in attendance at committee meetings. Such travel and necessary expenses shall be paid out of the funds appropriated for the operation of the board of health upon presentation of proper vouchers therefor, but in no case shall more than fifteen hundred dollars (\$1500.00) be paid on vouchers to the committee during the interim until the next meeting of the legislative assembly.

Record and
report of
committee.

Section 4. The committee shall keep a record of its activities and shall furnish a report of its findings, recommendations and such proposed legislative enactments as it deems necessary to carry out the purposes of this act to the thirty-fourth legislative assembly of the State of Montana on or before the tenth (10th) legislative day of the said legislative assembly.

Effective
immediately.

Section 5. This act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1953.

CHAPTER 138

An Act to Amend Section 82-1109 of the Revised Codes of Montana, 1947, Relating to Claims for Which Appropria-

tions Have Been Made; to Provide a Time Limit After the Close of Each Fiscal Year Within Which Claims Must be Transmitted to the Board of Examiners, and to Provide a method for Handling Claims not Presented Within Such Time Limit.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 82-1109, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending clause.

“82-1109. (238) **Claims for Which Appropriations Have Been Made.** Any person having a claim against the state, for which an appropriation has been made, may present the same to the board in the form of an account or petition, and the secretary of the board must date, number, and file such claim, *provided, however, that all claims for which appropriations have been made must be transmitted to said board not later than thirty (30) days after the close of each fiscal year, and claims submitted more than thirty (30) days after the close of each fiscal year shall be transmitted to the next succeeding legislative assembly in the same manner as provided in Section 82-1119, Revised Codes of Montana, 1947. Said board must allow or reject claims submitted not later than thirty (30) days after the close of each fiscal year in the order of their presentation. The board may for cause postpone action upon a claim for not exceeding one (1) month.*”

Claims for which appropriation has been made.

Must be submitted to board of examiners within 30 days after close of fiscal year.

Approved March 2, 1953.

CHAPTER 139

An Act to Amend Section 1 of Chapter 219 of the Session Laws of the Thirty-second Legislative Assembly of the State of Montana to Provide for a Fee on Trucks, Trailers, Semitrailers, House Trailers and Busses Operating Over and Upon the Highways of the State of Montana and on New Passenger Motor Vehicles on Which No Property Tax Has Been Paid and for Which the Purchaser Thereof Seeks to Have Licensed in the State of Montana; Providing for Certain Exemptions; Providing for the Rate of Such Tax; and, Providing for the Effect-

tive Date of This Act and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That section 1 of chapter 219 of the session laws of the thirty-second legislative assembly of the State of Montana be, and the same is hereby amended to read as follows:

Maximum
gross weight
fee for motor
trucks and
truck tractors.

“Section 1. In addition to other fees for the licensing of vehicles, there shall be paid and collected annually for each motor truck and truck tractor, based upon the maximum gross loaded weight thereof as set by the licensee in his application, the following fees:

“Schedule I:

Schedule.	Up to 6,000 lbs.....	\$ 6.00
	6,001 lbs. or more, and less than 8,000 lbs.....	12.00
	8,001 lbs. or more, and less than 10,000 lbs.....	14.00
	10,001 lbs. or more, and less than 12,000 lbs.....	16.00
	12,001 lbs. or more, and less than 14,000 lbs.....	18.00
	14,001 lbs. or more, and less than 16,000 lbs.....	22.00
	16,001 lbs. or more, and less than 18,000 lbs.....	30.00
	18,001 lbs. or more, and less than 20,000 lbs.....	40.00
	20,001 lbs. or more, and less than 22,000 lbs.....	50.00
	22,001 lbs. or more, and less than 24,000 lbs.....	75.00
	24,001 lbs. or more, and less than 26,000 lbs.....	95.00
	26,001 lbs. or more, and less than 28,000 lbs.....	115.00
	28,001 lbs. or more, and less than 30,000 lbs.....	140.00
	30,001 lbs. or more, and less than 32,000 lbs.....	170.00
	32,001 lbs. or more, and less than 34,000 lbs.....	200.00
	34,001 lbs. or more, and less than 36,000 lbs.....	230.00
	36,001 lbs. or more, and less than 38,000 lbs.....	260.00
	38,001 lbs. or more, and less than 40,000 lbs.....	290.00
	40,001 lbs. or more, and less than 42,000 lbs.....	320.00

Maximum gross
weight fee
trailers and
semitrailers.

“In addition to other fees for the licensing of vehicles, there shall be paid and collected annually for each trailer and semitrailer, based upon the maximum gross loaded weight described above, and as set by the licensee in his application except as otherwise provided in this act the following fee:

Schedule.

“Schedule II:

Trailers Other Than House Trailers.
Up to 2,500 lbs. for personal use.....Exempt.

<i>Up to 2,500 lbs. for commercial use.....</i>	<i>\$ 3.50</i>
<i>2,501 lbs. or more, and less than 6,000 lbs.....</i>	<i>4.50</i>
<i>6,001 lbs. or more, and less than 8,000 lbs.....</i>	<i>9.00</i>
<i>8,001 lbs. or more, and less than 10,000 lbs.....</i>	<i>10.50</i>
<i>10,001 lbs. or more, and less than 12,000 lbs.....</i>	<i>12.00</i>
<i>12,001 lbs. or more, and less than 14,000 lbs.....</i>	<i>13.50</i>
<i>14,001 lbs. or more, and less than 16,000 lbs.....</i>	<i>16.50</i>
<i>16,001 lbs. or more, and less than 18,000 lbs.....</i>	<i>22.50</i>
<i>18,001 lbs. or more, and less than 20,000 lbs.....</i>	<i>30.00</i>
<i>20,001 lbs. or more, and less than 22,000 lbs.....</i>	<i>37.50</i>
<i>22,001 lbs. or more, and less than 24,000 lbs.....</i>	<i>56.25</i>
<i>24,001 lbs. or more, and less than 26,000 lbs.....</i>	<i>71.25</i>
<i>26,001 lbs. or more, and less than 28,000 lbs.....</i>	<i>86.25</i>
<i>28,001 lbs. or more, and less than 30,000 lbs.....</i>	<i>105.00</i>
<i>30,001 lbs. or more, and less than 32,000 lbs.....</i>	<i>127.50</i>
<i>32,001 lbs. or more, and less than 34,000 lbs.....</i>	<i>150.00</i>
<i>34,001 lbs. or more, and less than 36,000 lbs.....</i>	<i>172.50</i>
<i>36,001 lbs. or more, and less than 38,000 lbs.....</i>	<i>195.00</i>
<i>38,001 lbs. or more, and less than 40,000 lbs.....</i>	<i>217.50</i>
<i>40,001 lbs. or more, and less than 42,000 lbs.....</i>	<i>240.00</i>

Provided further that on motor trucks, trailers, and semitrailers, which shall travel more than 24,000 miles on the highways of the State of Montana within the calendar year, there shall be paid and collected annually a total fee equal to one hundred twenty-five percent (125%) of the fees provided for in this act, which shall be called the class A fee. Each vehicle upon which the class A fee has been paid shall have the letter "A" at least two (2) inches in height marked permanently upon it, immediately preceding the maximum gross weight markings provided for in section 14 of chapter 219 of the session laws of the thirty-second legislative assembly of the State of Montana.

**Additional
class A fee
established
for certain
vehicles.**

All applicants for registration of motor trucks, trailers, and semitrailers under this act who do not pay the class A fee shall furnish an affidavit reciting that the motor truck, trailer, or semitrailer for which registration is desired will not travel more than 24,000 miles on the highways of the State of Montana within the calendar year and that if such vehicle does travel more than 24,000 miles within such calendar year, the applicant will, as soon as the mileage for such vehicle on the highways of the State of Montana exceeds 24,000 miles, promptly pay the difference between the class A fee and the fee paid on registration.

Affidavit.

**House trailer
fee.**

In addition to other fees for the licensing of vehicles, there shall be paid and collected annually for each house trailer, based upon over-all length of body as set by the licensee in his application, except as otherwise provided in this act, a fee equal to fifty cents (50¢) for each foot of over-all trailer body length, exclusive of bumpers and hitch.

**Alternative fee
for certain
vehicles.**

“Provided, that in lieu of the additional fee provided in this section there shall be collected a fee of five dollars (\$5.00) on any motor truck, truck tractor, trailer or semitrailer used only for the purpose of transporting any air compressor, rock crusher, conveyor, hoist, wrecker, donkey engine, cook house, tool house or bunk house attached to or made a part of such motor truck, trailer or semitrailer.

**Ranch or
farm vehicles.**

“Provided further, on motor trucks, trailers and semitrailers, owned and operated by ranchers or farmers in the transportation of their own ranch, farm, orchard, or dairy products from point of production to market, or of supplies, commodities, or equipment to be used on the ranch, farm, orchard, or dairy, or in the infrequent or seasonal transportation by one farmer for another for any purpose other than commercial hire of products of the farm, orchard or dairy, or of supplies or commodities to be used on the farm, orchard or dairy, except motor trucks owned and operated by cooperative associations or cooperative marketing associations, shall be paid and collected annually a fee equal to twenty percent (20%) of the fees provided in schedule I and schedule II above; *provided, however, the minimum fee under schedule I shall be four dollars (\$4.00).* The terms ‘trailers and semitrailers’ as used herein shall not include farm wagons.

**Minimum
established.****Vehicles used
in hauling logs,
poles, livestock,
ready-mix
concrete.**

“Provided further, that on motor trucks, trailers and semitrailers used exclusively in hauling logs, pole trailers, and ready-mix concrete there shall be paid and collected annually a fee equal to seventy-five percent (75%) of the fees provided in schedule I and schedule II above; *provided further, that on motor trucks, trailers and semitrailers hauling livestock there shall be paid and collected annually a fee equal to sixty percent (60%) of the fees provided in schedule I and schedule II above; provided further, that on ‘low boy trailers’ there shall be paid and collected annually a fee equal to sixty percent (60%) of the fees provided in schedule I and schedule II above; provided further,*

that on tractors permanently attached to 'low boy trailers' there shall be paid and collected annually a fee equal to sixty percent (60%) of the fees provided in schedule I and schedule II above.

Low boy trailers.

"Provided further, that there shall be paid and collected annually for each bus or auto stage with the exception of school busses the sum of seven dollars (\$7.00) per seat exclusive of the first seven seats and the operator, for the maximum adult seating capacity thereof; provided further, that motor vehicles which are regularly used to haul freight and passengers shall be taxed upon the basis of the gross weight schedule hereinabove established; provided further, that school busses shall not be exempt if they enter charter service."

Busses and auto stages.

Section 2. This act shall be in full force and effect upon its passage and approval.

Effective immediately.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved March 2, 1953.

CHAPTER 140

An Act Providing for Appointment of an Interim Committee to Revise and Recodify the Montana Fish and Game Laws, Known as Title 26, Revised Codes of Montana, 1947, and All Acts Amendatory Thereto.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. It is the purpose of this act to provide for a thorough, complete study and review of the entire Montana state fish and game laws, known as Title 26, Revised Codes of Montana, 1947, and all acts amendatory thereto, for the purpose of revising and recodifying said laws and submitting revised statutes to the thirty-fourth legislative assembly of the State of Montana in 1955.

Purpose of act.

Section 2. The governor of the State of Montana is hereby authorized to appoint an interim committee to revise and recodify the Montana state fish and game laws for presentation to the thirty-fourth legislative assembly of the State of Montana in 1955. The committee shall be

Governor to appoint committee to revise fish and game laws, membership.

composed of the following: one member from the house of representatives, one member from the senate, and one member at large. The members of the committee shall be appointed within thirty days after the passage and approval of this act.

Organization,
duties, powers
of committee.

Section 3. The committee herein provided shall work with the Montana fish and game commission in carrying out the provisions of this act. The committee shall organize within thirty days after the passage and approval of this act by electing one of its members chairman and by electing such other officers from among its membership as the committee may deem advisable. The committee is empowered to adopt rules of procedure and to make all arrangements for its meetings and to carry out the purposes for which it was created. The Montana state fish and game commission shall furnish legal and stenographic assistance to the committee, and the state game warden shall serve as its secretary. The committee shall keep accurate records of its activities and proceedings. The Montana state fish and game commission shall furnish meeting quarters for the committee at its headquarters in Helena.

Expenses
allowed,
limitations.

Section 4. The members of the committee shall be paid necessary expenses while in attendance at meetings. Such expenses are to be paid out of the fish and game fund upon presentation of proper voucher therefor, but in no case shall more than fifteen hundred dollars (\$1500.00) be paid on vouchers to the committee during the interim until the next meeting of the legislative assembly.

Report, recom-
mendations to
34th assembly.

Section 5. The committee shall report its findings, recommendations and such proposed legislative enactments as it deems necessary to carry out the purposes of this act to the thirty-fourth legislative assembly of the State of Montana on or before the tenth legislative day of said legislative assembly.

Effective
immediately.

Section 6. This act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1953.

CHAPTER 141

An Act Amending Section 71-211, Revised Codes of Montana, 1947, as Amended by Chapter 199 of the Session

Laws of the State of Montana of 1951, Relating to the State Welfare Board Acting as the Agent of the Federal Government in Matters of Public Welfare and in the Administration of Any Federal Funds Granted to the State to Aid in the Purposes and Functions of the State Department; and Providing for the Federal Government to Reimburse Counties in Lieu of Taxes on Trust Lands Held by Indians Where the County Grants General Relief to Ward Indians.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 71-211, Revised Codes of Montana, 1947, as amended by Chapter 199 of the Session Laws of the State of Montana of 1951, be, and the same hereby is amended to read as follows:

Amending clause.

“71-211. Board to Act as Agency of Federal Government — Assistance to Ward Indians. Act as the agent of the federal government in public welfare matters of mutual concern in conformity with this act and the federal social security act, and in the administration of any federal funds granted to the state to aid in the purposes and functions of the state department.

State welfare board to act as federal agent in re federal funds.

“The counties shall not be required to reimburse the state department any portion of old age assistance, aid to needy dependent children or aid to needy blind or aid to the totally disabled paid to ward Indians, further provided that *the federal government may reimburse the State of Montana in behalf of counties, providing general relief to ward Indians, a sum in lieu of taxes which the counties would collect if the lands of such ward Indians were not in trust status.* A ward Indian is hereby defined as an Indian who is living on an Indian reservation set aside for tribal use, or is a member of a tribe or nation accorded certain rights and privileges by treaty or by federal statutes. If and when the federal social security act is amended to define a ‘ward Indian,’ such definition shall supersede the foregoing definition.”

Ward Indians, counties need not reimburse state for aid.

Federal reimbursement may be made on behalf of counties.

Ward Indian defined.

Section 2. All acts and parts of acts in conflict herewith are repealed.

Repealing clause.

Approved March 2, 1953.

CHAPTER 142

An Act to Amend Section 80-210 of the Revised Codes of Montana, 1947, Pertaining to the Admission of Patients to Montana State Tuberculosis Sanitarium and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 80-210 of the Revised Codes of Montana, 1947, be, and the same is amended to read as follows:

Admission of
patients to
sanitarium —
qualifications.

“80-210. **Admission of Patients to Sanitarium — Soldiers, Sailors, and Marines.** (1) The executive board of said sanitarium is hereby given *the* power and authority to receive therein patients who have no ability to pay, but no person shall be admitted to the sanitarium who has not been a citizen of this state for at least one year, excepting that a *person* who has been a resident of the state for at least *one year and who is afflicted with active and contagious tuberculosis* may be admitted, though not a citizen, *provided, however, that citizens will be entitled to admission to the sanitarium before residents who are not citizens, and the medical staff of the state sanitarium shall be the sole judge of who is afflicted with active and contagious tuberculosis.* Every person desiring free treatment in said sanitarium shall apply to the local authorities of his or her town, city or county, having charge of the relief of the poor, who shall thereupon issue a written request to the president of said sanitarium for the admission and treatment of such person. Such request shall state in writing whether the person is able to pay for his or her care and treatment while at the sanitarium, which request and statement shall be kept on file by the president in a book kept for that purpose in the order of their receipt by him.

Free treatment.

Physician's
certificate.

“(2) No person shall be admitted as a patient in said institution without certificate of an examining physician, certifying that such applicant is suffering from tuberculosis, or what is commonly called miner's consumption, and, if upon the reception of a person at such sanitarium, it is found by the authorities thereof that he or she is not suffering from tuberculosis or miner's consumption, he or

she shall be returned to the place of his or her residence, and the expenses of transportation to and from the sanitarium shall be paid by the county of which he or she is a resident. Admissions to said sanitarium shall be made in the order in which the names of applicants shall appear upon the application book to be kept as above provided by the president of said sanitarium, in so far as such applicants are subsequently certified by the said examining physician to be suffering from tuberculosis or miner's consumption; provided, however, that where the next patient in order is a man and the only accommodations available in the sanitarium are for women or children, then women or children shall be admitted in their proper order and vice versa. Every person who is declared, as herein provided, to be unable to pay for his or her care and treatment, shall be transported to and from the sanitarium at the expense of said local authorities, and cared for, treated and maintained therein at the expense of the county or municipality which would otherwise be chargeable with the support of such poor or indigent persons, and the expense of transportation, treatment, maintenance and actual cost of articles of clothing furnished by the sanitarium to such poor and indigent persons, shall be a county or town charge, as the case may be; provided, further, that any soldier, sailor or marine, who has served in the army or navy of the United States, and was at the time thereof a citizen or had established his residence in the State of Montana, who on discharge therefrom is found to be suffering from tuberculosis, and whose admission to the Montana state tuberculosis sanitarium is requested by the proper federal authorities, shall be entitled to be admitted thereto, and shall be classed for the purpose of admission on the same basis as free patients, and all such soldiers, sailors or marines shall be given priority for entrance thereto over other applicants in the order in which their applications for admittance are received and filed.

Expenses.

Soldiers, sailors
and marines.

"The treasurer of the sanitarium shall collect and receive any sum or sums the federal government may allow or pay for such purpose, and shall pay the same over to the state treasurer."

Section 2. This act shall be in full force and effect from and after its passage and approval.

Effective
immediately.

Approved March 2, 1953.

CHAPTER 143

An Act Relating to the Creation of the Montana Legislative Council; Declaring the Purposes of This Act; Creating the Montana Legislative Council; and Prescribing the Powers and Duties of Said Montana Legislative Council and Appropriating Funds for the Expenses Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Purpose
of act.

Section 1. The purpose of this act is to provide for a permanent council to study and review the entire organization and structure of state government in Montana and of every department, institution, board and other agency of the state government and the functions thereof for the purpose of developing and recommending a program of improvement and economy which will promote efficiency in the operation of state government; and from time to time to review and analyze the various activities, functions, departments and boards of the state government and recommend the consolidation, reorganization or abolishment of those not deemed essential to the welfare of the people of the state.

Montana
legislative
council created.
Membership.

Section 2. There is hereby created "the Montana legislative council," hereinafter referred to as "the council," which shall consist of four members of the house of representatives who shall be appointed by the speaker of the house of representatives, no more than two of whom shall be of the same political party, and four members of the state senate who shall be appointed by the committee on committees of the state senate, no more than two of whom shall be of the same political party. The first members of the council shall be appointed not later than the sixtieth legislative day of this session and shall hold their office until the last day of the regular session of the legislature next succeeding such appointment. The members of each succeeding council shall be appointed not later than the sixtieth legislative day of each session and shall hold their respective offices until the last day of the regular session of the legislature next succeeding their appointment. Suitable office space for the council shall be provided in the capitol building.

Term
of office.

Section 3. The council shall have the following powers and duties:

Powers
and duties.

(1) To examine and study the organization and procedures of the state government, its offices, boards, committees, commissions, institutions, and other state agencies and make recommendations.

(2) To examine the current condition of all state funds and appropriations.

(3) To receive messages and reports from the governor and other state officials.

(4) To compel the attendance of witnesses before its hearings and require the production of papers, documents, or other evidence required by it, and to issue subpoenas for such purpose.

Section 4. The council shall organize within thirty days after the passage and approval of this act by electing one of its members chairman and by electing such other officers from among its membership as the council may deem desirable. The council is empowered to adopt rules of procedure and to make all arrangements for its meetings and to carry out the purposes for which it is created. The council shall keep accurate records of its activities and proceedings.

Organization,
rules, records.

Section 5. The council may employ an executive director and such other personnel, not members of the council, as it deems necessary to assist in the preparation of its recommendations, statistics, proposed legislative acts and any other of its activities and shall fix the compensation of such employees. All members of the council shall receive actual traveling and other expenses incurred in the discharge of their duties, including attendance at meetings. The council may delegate to an executive committee or committees or subcommittees, consisting of its own members, any authority, responsibility or duties deemed appropriate and necessary for efficient operation. All expenses of the council shall be paid from the moneys appropriated or otherwise obtained as hereinafter provided in the usual manner of payment of claims against the state.

May employ
executive
director.

Member to
receive actual
expenses.

Section 6. The council is empowered to hold public hearings and to make such investigations and surveys as

Public
hearings,
investigations.

it deems desirable. All departments, institutions, agencies, boards and divisions of the state government shall make available without charge the service of their personnel, as well as records, statistics and data necessary or convenient to fulfill the purpose of this act. The council shall make use of such information regarding governmental organization, or other plans, programs and recommendations of this state and of other states and of the United States and of other public or private agencies as may be available without cost to the state.

Report to
succeeding
legislative
assembly.

Section 7. The council shall report its findings, recommendations and such proposed legislative enactments as it deems necessary to carry out the purpose of this act to each succeeding regular session of the Montana legislative assembly, on or before the tenth legislative day of such legislative assembly.

Council may
accept grants.

Section 8. In accomplishing the purposes of this act, the council is empowered to accept grants of money, the use of facilities or services and any other assistance from any state, federal or private agency, person or corporation, provided that such acceptance involves no responsibility of any kind on the part of the council or the State of Montana with respect to the recommendations or activities of the council or otherwise.

\$30,000.00
appropriated.

Section 9. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of thirty thousand dollars (\$30,000.00) for the purposes of this act. Such appropriation shall be valid upon the final passage and approval of this act. Any funds received pursuant to the foregoing authority shall be deposited in the state treasury and are hereby appropriated for the purposes of this act.

Approved March 2, 1953.

CHAPTER 144

An Act to Amend Section 91-520, Revised Codes of Montana, 1947, as Amended by Chapter 31 of the 1951 Legislative Assembly, and Amending Section 4, Subsections (f) and (h) Thereof, Relating to the Period Provided for Dissolution of Trusts Therein Created and Setting Forth Extensions and Limitations of Such

Period and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 91-520, Revised Codes of Montana, 1947, as amended by chapter 31 of the 1951 legislative assembly, and amending section 4, subsections (f) and (h) thereof, be, and the same is hereby amended to read as follows:

Amending clause.

"91-520. Conditions Under Which Aliens in Foreign Country May Inherit. 1. No person shall receive money or property, save and except mining property, as provided in section 25, article III, of the constitution of the State of Montana, as an heir, devisee and/or legatee of a deceased person leaving an estate or portion thereof in the State of Montana, if such heir, devisee and/or legatee, at the time of the death of said deceased person, is not a citizen of the United States and is a resident of a foreign country at the time of the death of said intestate or testator, unless, reciprocally, the foreign country in question would permit the transfer to an heir, devisee and/or legatee residing in the United States, of property left by a deceased person in said foreign country.

Condition under which aliens in foreign country may inherit.

"2. In order to prove reciprocity the alien heir, devisee and/or legatee must establish by competent evidence produced at a hearing to determine heirship; (a) that such foreign country recognizes the right of United States citizens to inherit property left by a deceased person in such foreign country; (b) that such foreign country places no restrictions upon the movement of money or property out of such foreign country to an heir, devisee and/or legatee residing in the United States.

Proof of reciprocity.

"3. If such proof as required by subsection 2 establishes the fact that such foreign country recognizes the right of inheritance, but restricts the movement of money or property out of such foreign country to an heir, devisee and/or legatee residing in, and a citizen of the United States, then and in that event, the court upon such a determination, shall at the time of final distribution, order the inheritance of such alien heir, devisee and/or legatee distributed to the state treasurer of the State of Montana, in trust for such named heir, devisee and/or legatee, under

Mutuality of currency and property movement.

such conditions and restrictions as are imposed on the movement of money or property by such foreign country in question to an heir, devisee and/or legatee residing in, and a citizen of the United States.

Dissolution of
trust —
jurisdictional
facts.

“4. In an action for dissolution of the trust so created, the following jurisdictional facts must be set forth in the complaint: (a) the name of the beneficiary of the trust; (b) the foreign country in which the beneficiary has his permanent residence; (c) the conditions and restrictions imposed upon the trust funds by the court in its decree of final distribution; (d) the fact that the beneficiary is in the State of Montana; (e) the verification of the complaint by the beneficiary before an official of the State of Montana authorized by law to administer oaths; (f) that the action has been commenced within the period of three (3) years of the date the trust was created, *unless the conditions of the trust declare a shorter or longer period to exist in the country of the foreign heir's residence and that reciprocally such period has been imposed to satisfy the requirements of reciprocity, hereinabove set forth*; (g) in the event that the beneficiary is a minor or insane person, his action must be instituted within the period of limitation herein provided for the commencement of the action, by his guardian, duly appointed under the laws of the country of residence of said minor or insane person and the record of such appointment shall be fully exemplified and attested by a duly accredited representative of the state department of the government of the United States of America in such foreign country; (h) unless the action herein provided shall have been commenced within three (3) years, *or such shorter or longer period as is specifically declared as a condition of the trust, as hereinabove required*, then such trust funds shall forthwith escheat to the State of Montana, and no action can thereafter be instituted in the courts of this state for the recovery of such escheated trust funds.

Compliance
with section
91-518, R.C.M.,
1947.

“5. The action provided for under the provision of subsection 4 hereof shall in all other respects comply with the requisites of section 91-518.

State a
necessary
party to
distribution.

“6. No estate in which alien heirs, devisees and/or legatees have a distributive share shall be considered to be in a condition to petition for final distribution, unless,

the court enters a written order in such estate decreeing that an action for determination of heirship has been instituted in which the State of Montana was made a party-defendant and that a decree determining heirship has been entered and filed in said action."

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This act shall be in full force and effect immediately after its passage and approval.

Effective immediately.

Approved March 2, 1953.

CHAPTER 145

An Act to Amend Sections 40-1430, 40-1919 and 40-2007, Revised Codes of Montana, 1947, Relating to Furnishing of Annual Statement Forms to Insurance Companies for the Filing of Annual Statements Required by Law.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 40-1430, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending clause.

"40-1430. *The state insurance commissioner may, from time to time, require insurance companies and companies operating under the provisions of this act to make such changes in their annual report forms, required to be filed with the state insurance department, as are best adapted to elicit from such corporations or companies a true exhibit of their condition in respect to the several matters hereinbefore enumerated.*"

Insurance commissioner may require change in report forms.

Section 2. That Section 40-1919, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending clause.

"40-1919. *The state insurance commissioner may, from time to time, require insurance companies and companies operating under the provisions of this act to make such changes in their annual report forms, required to be filed with the state insurance department, as are best adapted to elicit from such corporations or companies a true exhibit*

Insurance commissioner may require change in report forms.

of their condition in respect to the several matters hereinbefore enumerated.”

Amending
clause.

Section 3. That Section 40-2007, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Certain corporations, not considered insurance companies, must make reports annually.

“40-2007. Corporations organized under the provisions of this chapter, or that have heretofore been organized within the state or territory of Montana for the purpose of furnishing life, accident, or permanent disability indemnity or mortuary benefits on the assessment plan, in accordance with the provisions of section 40-2001, are not insurance corporations and are not subject to the laws of this state relating thereto, but must comply with and conform to all the requirements and provisions of this chapter, and must, by their president and secretary, or like officers, make to the state auditor annually, within sixty days from and after the first day of January, each year, a statement under oath for the preceding year, which statement must show their financial condition, assets, liabilities, total amount of indemnity in force, number of members, number whose membership has terminated during the year, and cause thereof, total receipts and sources thereof, total expenditures and objects thereof, and the average amount paid on each certificate, and must pay into the treasury of the state, upon filing said certificate, a fee of twenty-five dollars, and the said auditor must publish said statement in his annual report. But nothing herein contained applies to any organization of a purely social, religious, or benevolent character, where no commissions are paid, and no salaried officers or agents are employed; or to any local association or society organized under, or subject to the control of a grand or supreme body; or to any secret organization, having subordinate lodges or councils, which have been organized under the laws of this state or any other state or territory, and which are now permitted to do business in this state.”

Excepting
certain
organizations.

Repealing
clause.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Effective
immediately.

Section 5. This act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1953.

CHAPTER 146

An Act to Amend Section 81-619 of the Revised Codes of Montana of 1947, Relating to Issuance of Leases by State Board of Land Commissioners to Holders of Prospecting Permits for Nonmetallic Minerals on State Lands and Extending the Provisions of Said Section to Certain Leases Heretofore Issued by State Board of Land Commissioners Concerning Nonmetallic Minerals.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 81-619 of the Revised Codes of Montana of 1947, be, and the same is hereby amended to read as follows:

Amending
clause.

“81-619. Whenever the state board of land commissioners has heretofore issued a prospecting permit for the purpose of prospecting for any of the nonmetallic minerals such as phosphate, sodium, potash, sulphur, oil shale or other nonmetallic mineral products not including coal, oil or gas, in the belief, on the part of said board, that the same was authorized by sections 81-601 to 81-618, or any other law of the State of Montana, the holder or holders of such permit, providing the same is, by the terms thereof, in good standing at the time of the enactment of this act, shall be entitled to a lease under the terms and provisions of sections 81-601 to 81-618 as fully as if said acts permitted the issuance of leases upon said nonmetallic mineral deposits aforesaid, such lease to embrace the lands described in any such permit, provided, however, that said lease may be issued to the holder or holders of any such permit at a minimum royalty rate of two per cent (2%) of the gross value of the output of such minerals at the mine; *provided, further, however, that any lease for the purpose of mining said nonmetallic minerals heretofore issued by said state board, in the belief, on the part of said board, that the same was authorized by said sections 81-601 to 81-618, or any other law of the State of Montana, providing the same is, by the terms thereof, in good standing at the time of the enactment of this act, is hereby authorized, ratified and confirmed, and shall be considered as valid under the terms and provisions of sections 81-601 to 81-618 as fully as if said acts permitted the issuance of leases upon said nonmetallic mineral deposits aforesaid, provided, however,*

Validating
certain leases
previously
issued by
land board.

that nothing herein contained shall be construed as authorizing, ratifying or confirming any lease issued at a minimum royalty rate of less than two per cent (2%) of the gross value of the output of such minerals at the mine."

Repealing
clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 2, 1953.

CHAPTER 147

An Act to Amend Section 81-701 of the Revised Codes of Montana of 1947, Relating to the Issuing of Leases and Permits to Private Persons for Certain Deposits on State Land and Extending the Provisions Thereof to Include Nonmetallic Minerals, Except Coal, Oil or Gas.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 81-701 of the Revised Codes of Montana of 1947, be, and the same is hereby amended to read as follows:

Power to lease
certain non-
metallic
minerals,
valuable for
building,
mining or other
commercial
purpose.

"81-701. Whenever there are found upon state lands to which the title is vested in the state, and which lands have not been sold by the state under certificate of purchase, or otherwise, deposits of stone, limestone, oil shale, clay, bentonite, calsite, talc, mica, ceramic, asbestos, marble, diatomite, gravel or sand, or phosphate, sodium, potash, sulphur, fluorite or barite, or any other nonmetallic minerals, but not including coal, oil or gas, valuable for building, mining or other commercial purposes, the state board of land commissioners may, in its discretion, issue to private persons permits or leases for the removal and disposition of such stone, limestone, oil shale, clay, bentonite, calsite, talc, mica, ceramic, asbestos, marble, diatomite, gravel, sand, or other said deposits; upon such terms and conditions as the board may determine; provided, however, that all such leases shall be upon a royalty basis calculated upon a gross value by weight or cubic measurement as is most favorable for the particular substance being mined or extracted from the lands, such gross value to be determined at the mine or site of operation, and the rates shall be the same that ordinarily would be charged by private owners under similar circumstances, or as in the

How royalty
calculated.

determination of the board may be determined fair and reasonable, and the fee for issuing the lease shall be the same as for an oil and gas lease. No such lease shall be made for longer term than ten (10) years, and the board may demand a cash deposit to guarantee the payment of the royalties, or demand a surety bond, or both such cash deposit and bond, as the board may determine.” Term.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Approved March 2, 1953.

CHAPTER 148

An Act to Provide for the Support of the Government of Montana for the Years 1953 and 1954.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The following tax levies for state purposes are hereby made upon all property in the State of Montana, subject to taxation, for the year 1953, as ascertained by taking the percentage of the true and full value provided by law for purposes of taxation, to-wit: Tax levies for 1953.

(a) For the state general fund, including the levy for the issue of four million five hundred thousand dollars (\$4,500,000.00) state funding bonds, authorized by chapter 10 of the session laws of the twenty-third legislative assembly of 1933, two (2) mills, or so much thereof as the state board of equalization may find necessary, under the provisions of Section 2122.13, Revised Codes of Montana, 1935. State general fund.

(b) For the university millage fund, to provide funds for the support of the greater university, as provided in referendum measure number fifty-one (51) and passed by vote of the people at the general election held November 2, 1948, six (6) mills. University millage fund.

(c) For the state insane hospital bond interest and sinking fund created under referendum measure number fifty (50) one-half ($\frac{1}{2}$) of one (1) mill. State insane hospital bond interest and sinking fund.

University of Montana building fund. (d) For the university of Montana building bond interest and redemption fund created under referendum measure number fifty-two (52), one (1) mill.

Tax levies for 1954. Section 2. The following tax levies for state purposes are hereby made upon all property in the State of Montana, subject to taxation, for the year 1954, as ascertained by taking the percentage of the true and full value provided by law for the purposes of taxation, to-wit:

General fund. (a) For the state general fund, including the levy for the issue of four million five hundred thousand dollars (\$4,500,000.00) state funding bonds, authorized by chapter 10 of the session laws of the twenty-third legislative assembly of 1933, two (2) mills or so much thereof as the state board of equalization may find necessary, under the provisions of Section 2122.13, Revised Codes of Montana, 1935.

University millage fund. (b) For the university millage fund, to provide funds for the support of the greater university, as provided in referendum measure number fifty-one (51) and passed by a vote of the people at the general election held November 2, 1948, six (6) mills.

Insane hospital bonds. (c) For the state insane hospital bond interest and sinking fund created under referendum measure number fifty (50), one-half ($\frac{1}{2}$) of one (1) mill.

University building bonds. (d) For the university of Montana building bond interest and redemption fund created under referendum measure number fifty-two (52), and one (1) mill.

Severability. Section 3. If any part of this act shall be declared invalid or unconstitutional, it shall not affect the validity of any other part of this act.

Effective immediately. Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1953.

CHAPTER 149

An Act to Amend Section 38-506 of the Revised Codes of Montana, 1947, to Provide for Termination of Parole of Patients From Montana State Hospital by Discharge

of Patients Paroled Continuously for a Period of Two Years, or Who Shall Have Escaped From Said Institution and Shall Not Have Been Returned Thereto Within a Period of Two (2) Years; Providing for Notice of Such Discharge to be Given to the Court by Which the Patient Was Committed; Providing That No Person So Discharged Shall be Recommitted to Said Hospital Except by Court Order Made as by Law, Provided for Commitment in the First Instance.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 38-506 of the Revised Codes of Montana, 1947, be, and the same hereby is amended to read as follows:

Amending clause.

“38-506. **Support of Patient While on Parole, Discharged by Lapse of Time.** The Montana state hospital paroling a patient as aforesaid shall not be liable for his support while on parole. Such liability shall devolve upon the legal guardian, parent, or person or persons to whose care the patient is paroled, or upon any other person legally liable for his support. The public welfare officials of the county where the patient resides or is found, shall be responsible for providing relief and care for such patient on parole who is unable to maintain himself, or who is unable to secure support from the person in whose care he was paroled, as for any other person in need of relief and care, under the provisions of the public welfare laws. The person in whose care the patient is paroled or any other person legally liable for his support, shall, if such parole be revoked, be liable for any expense incurred by the state or county in procuring the return of such patient to the hospital.

Liability for support of patients on parole from state hospital.

The superintendent of the Montana state hospital shall have the power and it shall be his duty to parole any patient under his control when he believes it to be for the best interests of such patient and society to do so. If any patient so paroled shall not be returned to said institution within a period of two (2) years thereafter, he shall be deemed discharged therefrom and entry shall be made accordingly in the records of the institution; and if any patient who has escaped from said institution shall not be returned thereto within two (2) years thereafter, he

Duty to parole.

Lapse of time deemed discharge — recommitment required.

shall be deemed discharged therefrom and an entry made accordingly in the records of said institution. Whenever a patient shall be discharged whether by parole continuing for a period of two (2) years or by having escaped and not having been returned within two (2) years, the superintendent of the Montana state hospital shall immediately notify in writing the judge of the court by which said patient was committed and no person so discharged shall be recommitted to the state hospital except by court order and upon proceedings as required by law for commitment in the first instance. Provided, however, that nothing herein contained shall be construed as a restoration of civil rights of persons so discharged or as a restoration to sanity, or to relieve the superintendent of the Montana state hospital from the obligation of supervising patients on parole to the extent of available facilities and finances."

Approved March 3, 1953.

CHAPTER 150

An Act to Amend Section 66-1910 of the Revised Codes of Montana, 1947, to Provide for an Increase in the Amount of the Bond Required by Said Section to be Filed by Applicants From One Thousand Dollars (\$1,000.00) to Five Thousand Dollars (\$5,000.00).

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 66-1910 (4065) of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Real estate
brokers,
license —
application.

“66-1910. (4065) **License — Application — Bond — Issuance Fee.** Any person, co-partnership, or corporation, desiring to carry on the business of real estate broker in this state shall make application for a license so to do upon a form prescribed by the commissioner, and shall file the same with the commissioner; when an individual makes the application, in the application shall be stated the full name of the applicant, and his business address, which shall be the place where he maintains his home office. The applicant shall file with the application a written recommendation, signed by at least five responsible free-holders of the county in which the home office of the

applicant is, in which the freeholders must certify that they believe the applicant to be a man of good moral character, and in their judgment well qualified to carry on the business of real estate broker. The applicant shall also file with his application a good and sufficient bond in the sum of *five* thousand dollars, conditioned that the applicant shall conduct his business as real estate broker in accordance with the requirements of this act, *provided that the total aggregate liability of any surety under such bond shall not exceed the face amount of the bond.*

Bond.

When a co-partnership makes application for a license it shall state in the application the full names of all the partners, their business addresses, the place where the principal office shall be maintained, and the commissioner shall require a recommendation, signed by at least five responsible freeholders of the county in which the home office of the co-partnership is, in which the freeholders must certify that they believe that each of the members of said co-partnership is a man of good moral character and in their judgment well qualified to carry on the business of real estate broker. The co-partnership shall also file with their application a good and sufficient bond in the sum of *five* thousand dollars, conditioned that the co-partnership shall conduct their business as real estate brokers in accordance with the requirements of this act.

Co-partnership application.

An unincorporated association shall comply with the rules prescribed for a co-partnership.

Unincorporated association.

When a corporation makes application for a license, it shall state in its application a list of its officers and directors, and their addresses, its principal place of business in this state, which shall be deemed its home office, and the names of the officers for whom a license is asked; the commissioner shall require its filing of a recommendation for each of said officers as in the case of an individual applicant, a good and sufficient bond in the sum of *five* thousand dollars, conditioned that the corporation shall conduct its business as a real estate broker in accordance with the requirements of this act, *provided that the total aggregate liability of any surety under such bond shall not exceed the face amount of the bond.*

Corporation.

The commissioner may require such other proof as he may deem advisable as to the honesty, truthfulness and

good reputation of any applicant for a license, whether an individual or member of a co-partnership or officer of a corporation, before issuing the license; provided, however, that if a real estate broker has once been licensed under this act, upon his application for a renewal of his license, the commissioner may, in his discretion, waive the filing of new recommendations or references.

Upon the filing of the application, if the same be accompanied with a proper recommendation or recommendations, bond or bonds, and fee hereinafter specified, if the commissioner is satisfied with the showing made, he shall forthwith issue the license, which shall continue thenceforward, unless revoked, until the first day of April next ensuing. If the commissioner shall not be satisfied with the showing made by the applicant, or if the necessary bond or bonds, satisfactory to the commissioner be not given, he may refuse to issue the license, in which case the applicant may appeal to the district court within ten days after notice that his application has been rejected.

Fee.

For every real estate broker's license issued, the commissioner shall require, before issuance, a fee of ten dollars, provided, that if a license be taken out after the first day of October, but one-half the fee shall be required, but the license shall expire on the first day of April following, and in case of licenses issued to co-partnerships, unincorporated associations, and corporations, he shall require such fee for each such co-partnership, unincorporated association, or corporation to whom such license is issued."

Approved March 3, 1953.

CHAPTER 151

An Act to Amend Section 93-3010, Revised Codes of Montana, 1947, as Previously Amended by Section 2 of Chapter 122, 1951 Session Laws Relating to Service of Process on Certain Corporations by Serving the Secretary of State; Providing for the Service of Process Upon the Secretary of State When the Officers and Agents of Corporations Who Are or Were Doing Business in the State of Montana, Cannot be Found in the State of Montana; Providing That Service by Mailing Must be Made in Certain Types of Actions.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 93-3010, Revised Codes of Montana, 1947, as previously amended by section 2, chapter 122, session laws of 1951, be amended to read as follows: Amending clause.

“Section 93-3010. **Duty of Secretary of State.** Upon such service being so made upon the secretary of state or his deputy, the said secretary of state or his deputy shall promptly mail the copy of summons and complaint, and copy of the order, by registered mail to the address of such corporation, at its principal home office, as shown by the papers on file in the office of the secretary of state, and in the case of corporations which have not qualified to do business within the state, to the principal home office address as supplied by the plaintiff in said action, and shall make out and mail to the clerk of the court in which the action is pending, a certificate of such mailing, which shall have attached thereto the registry receipt for such letter.” Substitute service — duty of secretary of state.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval. Effective immediately.

Approved March 3, 1953.

CHAPTER 152

An Act Amending Sections 11-966 and 11-2305 of the Revised Codes of Montana, 1947, Relating to the Limitations on the Amounts of Municipal Indebtedness Outstanding and Maturing at Any Time.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 11-966 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows: Amending clause.

“11-966. (5039.63) **Purposes for Which Indebtedness May be Incurred — Limitation — Additional Indebtedness for Sewer or Water System — Procuring Water Supply and System — Jurisdiction of Public Works Appur-**

Purpose for
which
indebtedness
may be
incurred.

tenances. The city or town council has power: (1) To contract an indebtedness on behalf of a city or town, upon the credit thereof, by borrowing money or issuing bonds for the following purposes, to-wit: Erection of public buildings, construction of sewers, bridges, docks, wharves, breakwaters, piers, jetties, moles, waterworks, *reservoirs and reservoir sites*, lighting plants, supplying the city or town with water by contract, the purchase of fire apparatus, *street and other equipment*, the construction or purchase of canals or ditches and water rights for supplying the city or town with water, *to acquire, open and/or widen any street and to improve the same by constructing, reconstructing and repairing pavement, gutters, curbs and vehicle parking strips and to pay all or any portion of the cost thereof*, and the funding of outstanding warrants and maturing bonds; provided, that the total amount of indebtedness authorized to be contracted in any form, including the then existing indebtedness, must not, at any time, exceed five per centum (5%) of the total value of the taxable property of the city or town, as ascertained by the last assessment for state and county taxes, *said words 'value of the taxable property' being used herein in the same sense as in section 6 of article XIII of the Constitution*; provided, that no money must be borrowed on bonds issued for the construction, purchase, or securing of a water plant, water system, water supply, or sewerage system, until the proposition has been submitted to the vote of the taxpayers affected thereby of the city or town, and the majority vote cast in favor thereof; and, further provided, that an additional indebtedness shall be incurred, when necessary, to construct a sewerage system or procure a water supply for the said city or town, which shall own or control said water supply and devote the revenue derived therefrom to the payment of the debt.

Limitation,
election.

Limitation.

“(2) The additional indebtedness authorized, including all indebtedness heretofore contracted, which is unpaid or outstanding, for the construction of a sewerage system, shall not exceed ten per centum (10%) over and above the five per centum (5%) heretofore referred to, of the total valuation of the taxable property of the city or town as ascertained by the last assessment for state and county taxes; and, provided further, that the above limit of five per centum (5%) shall not be extended, unless the ques-

tion shall have been submitted to a vote of the taxpayers affected thereby, and carried in the affirmative by a vote of the majority of said taxpayers who vote *upon such question*.

Election.

“(3) It is further provided, that whenever a franchise has been granted to, or a contract made with, any person or persons, corporation or corporations, and such person or persons, corporation or corporations, in pursuance thereof, or otherwise, have established or maintained a system of water supply, or have valuable water rights or a supply of water desired by the city or town for supplying the said city or town with water, the city or town granting such franchise or entering in such contract or desiring such water supply, shall, by the passage of an ordinance, give notice to such person or persons, corporation or corporations, that it desires to purchase the plant and franchise and water supply of such person or persons, corporation or corporations, and it shall have the right to so purchase the said plant or water supply, upon such terms as the parties agree; in case they cannot agree, then the city or town shall proceed to acquire the same under the laws relating to the taking of private property for public use, and any city or town acquiring property under the laws relating to the taking of private property for public use, shall make payment to the owner or owners of the plant or water supply of the value thereof legally determined, within six (6) months from and after final judgment is entered in the condemnation proceedings. For the purpose of providing the city or town with an adequate water supply for municipal and domestic purposes, the city or town council shall procure and appropriate water rights and title to the same, and the necessary real and personal property to make said rights and supply available, by purchase, appropriation, location, condemnation, or otherwise.

Acquisition
of water
supply.

“(4) Cities and towns shall have jurisdiction and control over the territory occupied by their public works, and over and along the line of reservoirs, streams, trenches, pipes, drains, and other appurtenances used in the construction and operation of such works, and also over the source of stream for which water is taken, for the enforcement of its sanitary ordinances, the abatement of nuisances, and the general preservation of the purity of its water

Jurisdiction
for sanitation.

supply, with power to enact all ordinances and regulations necessary to carry the powers hereby conferred into effect. For this purpose the city or town shall be authorized to condemn private property in the manner provided by law, and shall have authority to levy a just and equitable tax on all consumers of water for the purpose of defraying the expenses of its procurement."

**Amending
clause.**

Section 2. That Section 11-2305 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Form of bonds.

"11-2305. (5278.5) **Form of Bonds.** All bonds hereafter issued by any city or town shall be either amortization bonds or serial bonds, and all things being equal amortization bonds shall be issued in preference to serial bonds, otherwise serial bonds may be issued.

**Amortization
bonds.**

"The term 'amortization bonds', as used in this act, is hereby defined as meaning that form of bond on which a part of the principal is required to be paid each time interest becomes due and payable, which part payment of principal increases with each following installment in the same amount the interest payment decreases, so that the combined amount payable on both principal and interest is the same on each interest payment date; provided, however, that the final payment may vary in amount from the other payments to the extent resulting from disregarding fractional cents in the other payments.

Serial bonds.

"The term 'serial bond', as used in this act, is hereby defined as being a bond issue payable in equal annual installments, one (1) installment consisting of one (1) or more bonds, becoming due and payable each year, the amount to be paid and redeemed each year being determined by dividing the total amount of the bonds to be issued by the total number of years the issue is to run, so that the total amount of principal to be paid each year the bonds are to run will be the same; provided, however, that the *payments becoming due the first year, or the first and second years*, may vary in amount from the other payments to the extent resulting from fixing the amount of each bond of the other payments at one hundred dollars (\$100.00), *five hundred dollars (\$500.00)*, or some multiple thereof."

Section 3. This act shall be in full force and effect from and after its passage and approval.

Effective
immediately.

Approved March 3, 1953.

CHAPTER 153

An Act to Amend Section 26-401 of Chapter 4 of the Revised Codes of Montana, 1947, Relating to the Protection of Beaver; Permits and Fee; Tagging, Importing and Exporting of Skins; Expiration of Permits; and Granting Authority to the Fish and Game Commission to Declare an Open Season on Beaver When Beaver Have Increased in Numbers, and to Promulgate Rules and Regulations Under Which Beaver May be Trapped.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 26-401 of Chapter 4 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending
clause.

“26-401. (3722) Protection of Beaver — Permits and Fee — Tagging, Importing and Exporting of Skins — Expiration of Permit — Penalty for Violation. No person shall take, trap, shoot, kill, capture or attempt to take, trap, shoot, kill or capture, or in any way destroy any beaver in the State of Montana, or possess, buy, sell, ship or transport within or without the state, or cause the same to be done, any beaver or any part thereof including skins or hides and castors whether taken within or coming from without the state, except as hereinafter permitted:

Protection
of beaver.

Whenever beaver have increased in number to such an extent that in the judgment of the state fish and game commission the number of such beaver should be reduced, the commission shall have the authority to declare an open season on beaver under such rules and regulations as it shall prescribe; provided, however, that nothing herein contained shall authorize trapping on privately owned or leased lands, except with the approval of the landowner or lessee, or as hereinafter provided.

Commission
may declare
open beaver
season.

The state fish and game warden may issue a permit to any bona fide owner or lessee of real estate which is being

Permits
and fees.

actually and materially damaged by beaver, to trap beaver on his own or leased premises only, and provided that the warden shall, when issuing the permit mentioned, designate therein the maximum number of beaver that may be trapped under such permit. The fee for such permit shall be ten dollars (\$10.00) for ten (10) or less number of beaver and one dollar (\$1.00) per beaver for any number in excess of ten (10). All applications for beaver permits shall be filed with the state fish and game warden, between the dates of May first (1st) and September thirtieth (30th) of each year. The term 'premises' shall be construed to include any irrigation ditch or right of way appurtenant to the land for which said license or permit is issued.

That the state fish and game warden shall in person or, by deputy, examine the premises and investigate the alleged damage by beaver before issuing a license or permit.

Any person trapping beaver under a license or permit of the state fish and game warden shall properly care for all skins of beaver taken thereunder and as soon as cured shall send to the deputy state fish and game warden residing in this county, or in event of such deputy being absent or unable to act, then to the nearest deputy from the place of the trapper's residence, and send to such officer an affidavit giving his name, residence, license or permit number, the date and place of capture, with the number so captured, together with fifty cents (50¢) for each skin, and if such officer is satisfied of the legal taking of the same, he shall thereupon immediately forward such affidavit with the money, and a report, to the state fish and game warden, and upon the receipt thereof the state fish and game warden shall forward to such deputy numbered metal tags sufficient in number for one to be attached to each skin covered by the affidavit; upon receipt of such tags the deputy shall so attach them to the skins and shall receive from the owner ten cents (10¢) for each skin so tagged by him, the same to be for his services.

Tags.

A record of tags so issued shall be kept in the office of the state fish and game warden.

Any person who shall receive or bring into from without the state any beaver skin or skins duly tagged with a distinctive numbered metal tag of another state, shall report their arrival within ten (10) days to the state fish and

game warden and furnish an affidavit setting forth the number of skins, the date of receipt, the name and address of the person from whom procured, the manner or method of transportation into the state, and the numbers designated on the tags, and the name of the state so tagging the same, and the same shall be accompanied by a fee of fifty cents (50¢), and it shall not be necessary for such skins to be re-tagged with a Montana tag, nor any other fees paid therefor.

The state fish and game warden shall keep a record of all skins so reported.

Each metal tag shall remain attached to the beaver skin to which it was originally affixed until it is dressed and manufactured into an article of commerce, or it shall accompany any skin shipped or transported out of the state. It shall be a misdemeanor, punishable as hereinafter provided, to remove a tag from such skins, to duplicate or reproduce such tags for fraudulent purposes or use contrary to the provisions of this act, or to misuse any tag detached from the skin to which it was originally attached.

Beaver skins taken within the state under permit, and those coming from without the state, tagged as herein provided may be possessed, bought, sold or transported at any time within the State of Montana, but no beaver skin or skins may be exported in any manner from the state without the shipper first obtaining an export or shipping permit from the state fish and game warden, which may be issued upon application showing the kind and number of the metal tags on said skins and the payment of a fee of sixty cents (60¢) for the permit for each shipment.

Shipping
beaver skins.

Any package offered for transportation from the state which contains a beaver skin or skins shall be clearly marked on the outside thereof with the names and addresses of the consignor and consignee, the number and kind of skins contained therein, and the number of the shipping permit.

Any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be punished as provided by section 26-324. Any beaver skin or skins taken or found in this state or which have been shipped out of this state except as spec-

Penalty.

ifically permitted by this section are being hereby declared contraband and shall be seized by the state fish and game warden, deputy or other officer authorized to enforce the provisions of this act. All skins so seized shall be marked or tagged for identification and sold by the state fish and game warden at public auction in the State of Montana, after advertising at least fifteen (15) days prior to the date of sale, and the proceeds therefrom turned into the state treasury to be credited to the fish and game fund.

Permit
expiration
dates.

Beaver trapping permits issued under the provisions of this act shall expire May first (1st) of each year and all beaver skins taken thereunder and not reported and tagged according to the provisions of this section prior to June first (1st) following, shall be subject to seizure and sale as herein provided."

Repealing
clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 3, 1953.

CHAPTER 154

An Act Providing for the Appointment of County Planning Commissions, Prescribing the Powers, Duties, and Financing Thereof; Providing for Zoning, Land Regulations and Subdivisions Controls and Defining the Limits Thereof; Providing for Building Permits; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Creation of
county plan-
ning and zon-
ing districts,
commissions.

Section 1. Whenever the public interest or convenience may require, and upon petition of sixty per centum (60%) of the free holders affected thereby, the board of county commissioners is hereby authorized and empowered to order and create a planning and zoning district, and to appoint a commission consisting of five (5) members. The commission is to consist of the three (3) county commissioners, the county surveyor and the county assessor. Members of the commission shall serve without compensation other than reimbursement for duly authorized expenses, and shall be residents of the county in which they serve. The commission hereby is authorized to appoint necessary

employees and fix their compensation with the approval of the board of county commissioners, to select a chairman to serve for one (1) year, to appoint a secretary who shall keep permanent and complete records of its proceedings, and to adopt rules governing the transaction of its business. The finances necessary for the transaction of the planning and zoning commission's business and to pay the expenses of employees and justified expenses of the members of the board shall be paid from a levy of not to exceed one (1) mill on the taxable valuation of the real property within such district.

Financing
of levy.

Section 2. For the purpose of furthering the health, safety and general welfare of the people of the county, the county planning and zoning commission hereby is empowered, and it shall be its duty to make and adopt a development pattern for the physical and economic development of the planning and zoning district. Such development pattern, with the accompanying maps, plats, charts and descriptive matter, shall show the planning and zoning commission's recommendations for the development of the districts, within some of which it shall be lawful and with others of which it shall be unlawful to erect, construct, alter or maintain certain buildings, or to carry on certain trades, industries or callings, or within which the height and bulk of future buildings and the area of the yards, courts and other open spaces and the future uses of the land or buildings shall be limited and future building set backlines shall be established. No planning district or recommendations adopted under this act shall regulate lands used for grazing, horticulture, agriculture or for the growing of timber; providing that existing non-conforming uses may be continued, although not in conformity with such zoning regulations.

Powers and
duties of
commission.

Section 3. Adoption by the planning and zoning commission of the development district, or any change therein, may be in whole or in part, but must be by the affirmative vote of the majority of the whole commission, provided, however, that prior to any such adoption a public hearing shall have been held not less than fifteen (15) days after notice thereof shall have been posted in at least three (3) public places within the area affected. The resolution adopting the district or any part or parts covering one or more of the functional elements which may be included

Development
districts —
how adopted
or changed.

within the district, shall refer expressly to the maps, charts and descriptive matters forming the pattern or part thereof; provided that the board of county commissioners shall have the power to authorize such variance from the recommendations of the planning commission as will not be contrary to the public interest, where, owing to special conditions a literal enforcement of the decision of the planning and zoning commission will result in unnecessary hardship.

Power to investigate — cooperation of public officials.

Section 4. The planning and zoning commission, and any of its members, officers and employees in the performance of their functions, may enter upon any land and make examinations and surveys and place and maintain the necessary monuments and markers thereon. In general, the planning and zoning commission shall have such powers as may be appropriate to enable it to fulfill its functions and duties to promote county planning and to carry out the purposes of this act. All public officials, departments and agencies, having information, maps, and data deemed by the commission pertinent to county planning are hereby empowered and directed to make such information available for the use of the county planning and zoning commission.

Preparation of resolutions, regulations, county commission may adopt.

Section 5. The planning and zoning commission may, for the benefit and welfare of the county, prepare and submit to the board of county commissioners, drafts of resolutions for the purpose of carrying out the development districts, or any part thereof, previously adopted by the commission, including zoning and land use regulations, the making of official maps and the preservation of the integrity thereof, and including procedure for appeals from decisions made under the authority of such regulations, and regulations for the conservation of the natural resources of the county, and the board of county commissioners is hereby authorized to adopt such resolutions; provided that any person aggrieved by any decision of the commission or the board of county commissioners, may, within thirty (30) days after such decision or order, appeal to the district court in the county in which the property involved, is located. The planning and zoning commission hereby is empowered to authorize and provide for the issuance of permits as a prerequisite to construction, alteration or enlargement of any building or structure otherwise

Appeal.

subject to the provisions of this act, and may establish and collect reasonable fees therefor. The fees so collected are to go to the general fund of the county.

Section 6. The authority heretofore granted by law to the incorporated communities to approve subdivision plats within the unincorporated area adjacent to their corporate limits is not abrogated by this act except and until the board of county commissioners having jurisdiction over such adjacent area establish a planning commission, and adopt initial regulations for subdivision control within adjacent areas or districts. Authority of the adjacent municipality shall be suspended on the effective date of the county regulation with respect to all areas governed by county subdivision regulations.

Incorporated communities' authority over adjacent areas retained until commission formed.

Section 7. For the purposes of this act the word district shall mean any area that consists of one (1) square mile or more.

Definition of district.

Section 8. In the event that any clause or provision of this act shall be declared unconstitutional, the remaining parts of this act shall remain in full force and effect.

Severability.

Section 9. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved March 3, 1953.

CHAPTER 155

An Act Authorizing the Creation and Establishment of Public Hospital Districts; Relating to the Territory That May be Included Within Any Such District; Providing Procedures for the Creation of Such Districts Upon Petition to the Board of County Commissioners of Any County; and for Elections Upon the Question of Creating Such Districts; Prescribing the Qualifications of Petitioners for the Creation of Such Districts and Requiring Persons Voting at Elections for the Creation of Such District to be Taxpayers Upon Property Within Such Districts; Defining the Powers of Such Districts; Providing for the Management of Such Districts by a Board of Trustees, and for the Administration of the Funds of Such Districts by Such Board of Trustees; and Providing Procedures for Annexation of Additional

Land Area Within Any Such District, and for the Dis-
solution of Such Districts.

Be it enacted by the Legislative Assembly of the State of Montana:

Purpose of
act —
formation of
public hospital
districts.

Section 1. The purpose of this act is to authorize the establishment of public hospital districts which shall have power to own and operate public hospitals, or to lease and operate public hospitals, or to maintain or aid in the maintenance and operation of a public hospital, and in either case to supply hospital facilities and services to residents of such districts, and as herein authorized, to others. A public hospital district may contain the entire territory embraced within a county or any portion or subdivision thereof.

Petition to
board of
county
commissioners,
contents.

Section 2. **Petition to Board of County Commissioners.** Whenever a petition, signed by not less than thirty per centum (30%) of the citizens who are owners of property located within the boundaries of a proposed public hospital district, and whose names appear as such property owners upon the last completed assessment roll of the county in which said proposed district is situated, which petition shall definitely describe the boundaries of the proposed district and request that the territory within said boundaries be organized into a public hospital district, shall be addressed and presented to the board of county commissioners of the county in which the proposed district is situated, at any regular or special meeting of said board, it shall file the same and act thereon as herein prescribed. The said board of county commissioners, by resolution, shall fix a time for a hearing upon said petition at not less than two (2) nor more than four (4) weeks from the time of presentation thereof, and shall cause notice to be given of the time and place of said hearing by publication in a newspaper published in the county in not less than two (2) successive issues of said newspaper, the last publication of which notice shall be at least two (2) weeks before said hearing. Said notice shall state that any person residing in or owning property within said proposed district or any part thereof as described in said petition, may appear before said board at the hearing and show cause why the said district should not be created.

Hearing —
scope.

Section 3. **Hearing.** At the time fixed for said hearing, the board shall determine whether or not the petition

complies with the requirements hereinbefore set forth and whether or not the notice required herein has been published as required. At such hearing the board must hear all competent and relevant testimony offered in support of or in opposition to said petition and the creation of such district. Said hearing may be adjourned from time to time for the determination of said facts, or hearing petitioners or objectors, but no adjournment shall exceed two (2) weeks in all from and after the date originally noticed and published for the hearing.

Section 4. Reference of Creation of District to Election. If the board of county commissioners shall determine that the petitioners have complied with the requirements herein set forth and that the prescribed notice has been published, it shall thereupon proceed by resolution to refer the question of the creation of such district to the persons qualified to vote on such proposition as in this act prescribed. Said board, in its resolution of reference, may make such changes in the boundaries of the proposed district as it may deem advisable, without, however, including any additional lands not described in the petition, and shall define and establish the boundaries of the district, and it shall call an election, upon the question of the creation of the district.

Reference
of creation
of district
to election.

Section 5. Resolution and Order of Board as Respects Election. The board must, in its resolution, designate whether or not a special election shall be held, or whether the matter shall be determined at the next general election. If a special election is ordered, the board must, in its order, specify the time and place for such election, the voting places, and shall in said order appoint and designate judges and clerks therefor. The election shall be held in all respects as nearly as practicable in conformity with the general election laws; provided that the polls shall be open from eight (8) o'clock A. M. to six (6) o'clock P. M., on the day appointed for such election. At such election, the ballots must contain the words "hospital district, yes" and "hospital district, no." The judges of the election shall certify to the board of county commissioners the results of said election. No person shall be qualified to vote at such election who has not attained twenty-one (21) years of age, who is not an owner of property within the boundaries of said district as defined by the board, and

Resolution
and order of
board as
respects
election —
form of ballot.

whose name does not appear on the last completed assessment roll of the county.

Favorable vote, commissioners to organize district.

Section 6. Favorable Vote — Commissioners Finally to Organize District. In the event that a majority of the votes cast are in favor of the creation and establishment of said hospital district, the board of county commissioners shall, within ten (10) days after the election, by resolution certify such result, and proceed with the organization of such district as herein specified.

Government of district — appointment and terms of trustees.

Section 7. Government of District — Appointment and Terms of Trustees. Said hospital district shall be governed and managed by a board of three (3) trustees, elected by the persons within the district who have the same qualifications as voters upon the question of "creation of the district." The trustees must be elected from among the freeholders residing within said district, and the trustees elected for the first board shall serve for terms of one (1), two (2) and three (3) years, respectively, and until their respective successors shall be elected and qualify. Annually thereafter there shall be elected a trustee to serve for a term of three (3) years and until his successor shall be elected and qualify. The first board of trustees shall be elected at the same election held upon the creation of the district, subject to the creation thereof, and shall qualify upon the organization of the district, if created. All elections thereafter shall be conducted by said qualified voters in the same manner as election for school trustees of a first-class school district. The trustees at their first meeting shall adopt by-laws for the government and management of the district. They shall serve without pay. A vacancy upon the board of trustees shall be filled by appointment by the remaining members, and the appointee shall serve until the next ensuing election for trustees.

Powers of district.

Section 8. Powers of District. Said district may own and operate a public hospital; may lease and operate a public hospital; may maintain, or aid in the maintenance and operation, of a public hospital within said district; may hold title to property by grant, gift, devise, bequest, lease, contract, or in trust, or by any lawful method; and it may perform all acts necessary or proper for the carrying out and supply of hospital services and facilities. Such a hospital must admit persons without regard to race,

color, or sex, but such obligation shall not prevent the board of trustees of such hospital from establishing reasonable minimum rates for hospital quarters, services and supplies; indigents needing such services, and for the rendition of which provision is made by the laws of Montana, must be admitted to such public hospitals, on terms and rates prescribed or authorized by law.

Section 9. **Budget and Tax Levy.** The board of hospital trustees shall, annually, present their budget to the board of county commissioners at the regular budget meetings as prescribed by law, and therewith certify the amount of money necessary and proper for the ensuing year. The board of county commissioners must, annually, at the time of levying county taxes, fix and levy a tax, in mills, upon all property within said hospital district clearly sufficient to raise the amount certified by the board of hospital trustees. The tax so levied shall not in any year exceed three (3) mills on each dollar of taxable valuation of property within said district.

Budget and
tax levy.

Section 10. **Regulations.** The trustees shall make proper rules and regulations for the management of such hospitals. The procedures for the collection of the tax shall be in accordance with the existing laws of the State of Montana. The funds collected under the tax levy shall be held by the county treasurer who shall be, ex-officio, the treasurer for the hospital district and such treasurer shall keep a detailed account of all tax moneys paid into the fund, of all other moneys from any source received by the district, and of all payments and disbursements from the fund. Funds shall be paid out on warrants issued by direction of the board of trustees, signed by the president and by the secretary of the board.

Rules and
regulations.

Section 11. **Withdrawal of Portion of District, Petition For.** Any portion of a public hospital district may be withdrawn therefrom as in this section provided, upon receipt of a petition signed by fifty-one percentum (51%) of the taxpayers, or more, residing in and owning property within the area desired to be withdrawn from any public hospital district, on the grounds that such area will not be benefited by remaining in said district. The board of county commissioners shall, upon the filing of such a petition, fix a time for the hearing of such withdrawal petition

Withdrawal
of portion of
district —
petition.

which time shall not be more than four (4) weeks after the receipt thereof. The board shall, at least two (2) weeks prior to the time so fixed, publish a notice of such hearing in two (2) successive issues of a newspaper published in the county. No petition for withdrawal shall be entertained or acted upon by the board, unless the same is filed before the first Monday in March of any year. Any person interested may appear at said hearing and present objections to the withdrawal of said portion from said district. The board shall consider the petition and all objections thereto, and pass upon the merits thereof, and make its order in accordance therewith. Such order is subject to review by the district court of the county, and appeal may be taken from the final judgment of such district court to the supreme court of Montana.

Alteration of
boundaries —
annexation.

Section 12. Alteration of Boundaries. Annexation. The boundaries of any such public hospital district may be altered and outlying districts be annexed from territory contiguous thereto in the following manner: A petition signed by ten percentum (10%) or more freeholders within the territory proposed to be annexed, or by a majority of such freeholders if there are less than twenty-five (25) residing within the area proposed to be annexed, designating the boundaries of such contiguous territory proposed to be annexed and asking that it be annexed to said public hospital district, shall be presented to the board of county commissioners of the county in which said public hospital district is situated. At the first regular meeting after the presentation of said petition, said board of county commissioners shall cause notice of said petition to be published in two (2) successive issues of a newspaper published in the county prior to the date fixed by said board for the hearing of said petition, which date shall be not less than four (4) weeks after the filing of such petition. Upon the date fixed for such hearing or continuance thereof, said board shall take up and consider said petition and any objections which may be filed to the inclusion of any additional area or territory in said district. Said board of county commissioners shall have the power by order entered on its minutes to grant said petition either in whole or in part, and by order entered on its minutes to alter the boundaries of said public hospital district and to annex thereto all, or such portion of said area or territory de-

scribed in said petition as will be benefited thereby. This territory shall become and be a part of such public hospital district and shall be subject to the tax authorized by this act, together with the pre-existing area of said district, and such tax shall be uniform for the whole area and territory in the district, as enlarged.

Section 13. **Dissolution of District.** At any time after five (5) years from the date any public hospital district is created, such district may be dissolved upon presentation to the board of county commissioners of a petition signed by at least fifty-one percentum (51%) of the owners of property lying within such district as shown by the last completed assessment roll. Upon the filing of such petition, the board of county commissioners shall set a time for hearing the same and shall cause notice thereof to be posted in at least three (3) separate public places within said district for at least two (2) weeks prior to the hearing, and which notice shall, also, be published for at least two (2) successive issues in a newspaper published in the county prior to such hearing. If upon such hearing the commissioners find such petition to be sufficient and that the district is not indebted in any amount beyond funds immediately available to extinguish all of its debts and obligations and that there is good reason for the dissolution of such district, the commissioners shall enter upon their minutes an order dissolving such district. Such order shall be filed, of record, and the dissolution shall be effective for all purposes six (6) months after the date of filing said order of dissolution, providing that at or before such time the board of trustees of said district certifies to the board of county commissioners that all debts and obligations of the district have been paid, discharged or irrevocably settled, together with legal proof thereof.

Dissolution
of district.

Section 14. This act shall be in full force and effect from and after its passage and approval.

Effective
immediately.

Approved March 3, 1953.

CHAPTER 156

An Act to Amend Section 91-3108, of the Revised Codes of Montana of 1947, Relating to the Procedure Required to be Taken by an Executor, Administrator, or Any

Person Interested in an Estate to Obtain an Order to Lease Realty Belonging to an Estate and Providing the Terms and Provisions of Such Lease or Leases.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 91-3108 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Leasing.

“91-3108. (10256) **Leasing — Procedure to Procure Order — Provisions and Terms — Execution — Effect.** To obtain an order to lease the realty, the proceedings to be taken and the effect thereof shall be as follows:

Procedure
to procure
order.

1. The executor, administrator, or any person interested in the estate, may file a verified petition showing: The advantage or advantages that may accrue to the estate from giving a lease; a general description of the property proposed to be leased; the term, rental, and general conditions of the proposed lease; and the names of the legatees and devisees, if any, and of the heirs of the deceased, so far as known to the petitioner.

Provisions
and terms.

2. Upon filing such petition an order must be made by the court or judge, requiring all persons interested in the estate to appear before the court or judge, at a time and place specified, not less than two nor more than four weeks thereafter, then and there to show cause why the realty (briefly indicating it) should not be leased for the period (stating it), at the rental mentioned in the petition (stating it), and referring to the petition on file for further particulars.

Service.

3. The order to show cause must be personally served on the persons residing in the county interested in the estate, at least ten days before the time appointed for hearing the petition, or be published for two successive weeks in a newspaper of general circulation published in the county.

Hearing.

4. At the time and place appointed in the order to show cause, or such other time and place to which the hearing may be postponed, the court or judge having first received satisfactory proof of personal service or publication of the order to show cause, must proceed to hear the petition, and any objections that may be filed or presented thereto.

Upon such hearing, witnesses may be compelled to attend and testify in the same manner and with like effect as in other cases, and the court or judge may, in its or his discretion, appoint one or more, not exceeding three, disinterested persons to appraise the rental value of the premises, and direct that a reasonable compensation for their services, not to exceed five dollars per day, be paid by the estate. If, after a full hearing, the court or judge is satisfied that it will be for the advantage of the estate to lease the whole or any portion of the real estate, an order must be made authorizing, empowering, and directing the executor or administrator to make such lease. The order may prescribe the minimum rental to be received for the premises, and the period of the lease, which must in no case be longer than for *ten* years, except that a lease or contract providing for the exploration of the premises for oil, gas or hydrocarbons may provide for a term of *ten* years *and* for as long thereafter as oil, gas or hydrocarbons shall be produced in commercial quantities, and may prescribe the other terms and conditions of such lease.

5. After the making of the order to lease, the executor or administrator must execute, acknowledge, and deliver a lease of the premises, for the rent, and period, and with the conditions specified in the order, such lease before it shall become effective shall be approved by the court or judge thereof before delivery, setting forth in the lease that it is made by authority of the order, and giving the date of such order. A certified copy of the order shall be recorded in the office of the county clerk of every county in which the leased land, or any portion thereof, lies.

Execution.

6. Every lease so made shall be effectual to demise and let, at the rent, for the term, and upon the conditions prescribed therein, the premises described therein. Jurisdiction of the court to administer the decedent's estate shall be effectual to vest such court and judge with jurisdiction to make the order for the lease, and such jurisdiction shall conclusively inure to the benefit of the lessee, his heirs and assigns. No omission, error, or irregularity in the proceedings impairs or invalidates the same, or the lease made in pursuance thereof.

Effect.

Repealing
clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 3, 1953.

CHAPTER 157

An Act to Amend Section 75-2703 of the Revised Codes of Montana, 1947, to Provide That the Members of the Teachers' Retirement Board Shall be Appointed by the Governor; That Two (2) of the Members be Named From the Teaching Profession; That the State Superintendent of Public Instruction be a Member, and That Two (2) of the Members Shall be Representatives of the Public; That Each Member Shall Serve for a Term of Four (4) Years and That the Term of One (1) Member, Exclusive of the Superintendent of Public Instruction, Shall Expire Each Year.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 75-2703 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Administration,
composition
of board.

“75-2703 **Administration.** (1) The general administration and the responsibility for the proper operation of the retirement system and for making effective the provisions of this act are hereby vested in a retirement board. Subject to the limitations of this act the retirement board shall from time to time establish rules and regulations for the administration and transaction of the business of the retirement system and shall perform such other functions as are required for the execution of this act. The membership of the retirement board shall consist of five (5) persons as follows:

(a) The superintendent of public instruction.

(b) *Two (2) persons from the teaching profession.*

(c) *Two (2) persons who shall be representatives of the public.*

The two (2) members chosen from the teaching profession shall be known as teacher members, and shall be members of the retirement system.

“(2) *The members of the board of teachers’ retirement system shall be appointed by the governor within thirty (30) days after this act takes effect and shall serve for terms of four (4) years, provided, however, that those first appointed after this act takes effect other than the superintendent of public instruction shall serve for terms respectively of one (1), two (2), three (3) and four (4) years.*

Terms.

“(3) *If a vacancy occurs in the office of a member of said board, the vacancy may be filled by the governor for the unexpired term.*

Vacancies.

“(4) *Each member of the retirement board created by this act shall take and subscribe the oath prescribed by article XIX, section 1 of the constitution of the State of Montana, and such oath shall be filed in the office of the secretary of state.*

Oath.

“(5) *A majority of the members of the retirement board shall constitute a quorum for the transaction of any business.*

“(6) *The members of the retirement board shall serve without compensation except that the members thereof, excluding superintendent of public instruction, shall receive a per diem fee of ten dollars (\$10.00) each for each day in actual attendance at the meetings of said board or in the execution of their duties as members of said board; provided, however, that in no instance shall any such member of said board receive as said per diem fee, a sum in excess of one hundred dollars (\$100.00) in any one (1) year; and the members of said board shall be allowed their actual and necessary traveling expenses while performing their duties as members of said board, which shall be paid quarterly upon proper vouchers from the expense fund hereinafter named.*

Per diem,
limitation.

“(7) *The retirement board shall elect from its membership a chairman, and shall appoint a secretary who may be, but need not be one (1) of its members. The secretary shall give bond in such amount and with such sureties as the board may require.*

Chairman.

“(8) *The retirement board shall have power to employ and to secure the services of such technical and administrative employees as may be necessary for the transaction of the business of the retirement system. The compensation*

Employees.

of all persons engaged by the retirement board shall be fixed by the board and all other expenses of the board necessary for the proper operation of the retirement system shall be paid at such rates and in such amounts as the retirement board shall approve.

Reports.

“(9) The retirement board shall keep in convenient form such data as shall be necessary for actuarial valuation of the various funds of the retirement system and for checking the experience of the system. It shall keep a record of all of its proceedings which shall be open to public inspection. It shall publish biennially on or before the first day of January wherein the legislative assembly shall meet a report showing in detail the fiscal transactions of the retirement board for the two (2) years ending on the preceding thirtieth day of June, the amount of the accumulated cash and securities of the system and the last balance sheet showing the financial condition of the system by means of an actuarial valuation of the assets and liabilities of the retirement system. The board shall submit said report to the governor and shall furnish copies thereof to the heads of the various departments and to the legislative assembly.

“Legal Adviser**Legal adviser.**

(10) The attorney general of the State of Montana shall be the legal adviser of the retirement board.

“Medical Board**Medical board.**

(11) The retirement board may designate a medical board to be composed of three physicians not eligible to participate in the retirement system. If required, other physicians may be employed to report on special cases. The medical board shall arrange for and pass upon all medical examinations required under the provisions of this act, shall investigate all essential statements and certificates by or on behalf of a member in connection with an application for disability retirement, and shall report in writing to the retirement board its conclusions and recommendations upon all the matters referred to it.

“Actuary**Actuary.**

(12) The retirement board shall designate an actuary who shall be the technical adviser of the retirement board

on matters regarding the operation of the funds created by the provisions of this act and shall perform such other duties as are required in connection therewith.

(13) As soon after the establishment of the system as the board may deem it necessary, the board with the assistance of its actuary shall make such investigation of the mortality, service and compensation experience of the members of the system as he shall recommend and the retirement board shall authorize, for the purpose of determining upon the proper mortality and service tables to be prepared and submitted to the retirement board for adoption. On the basis of such investigation the said retirement board shall adopt such tables and such rates as are required by section 75-2708.

Preparation
of tables.

(14) It shall be the duty of the retirement board to adopt for the retirement system such mortality, service or other tables as shall be deemed necessary and to certify such rates of contribution as are payable by the state as hereinafter provided. As an aid to the board in certifying the annual rates of payment to be made by the state under the provisions of this act the board shall have prepared by an actuary an annual valuation of the assets and liabilities of the funds of the system. In the year 1940 and at least once in each five (5) year period thereafter, the actuary shall make an actuarial investigation into the mortality, service and compensation experience of the members and beneficiaries of the retirement system, and shall make a valuation of the assets and liabilities of the funds of the system, and taking into account the result of such investigation and valuation the board shall modify such mortality, service and other tables and shall fix and determine rates of contribution payable on account of members by the state under the provisions of this act, and said board shall have the power and authority at any time the same may be found necessary to readjust and redetermine such rates of contribution to the end that the retirement system shall be kept at all times upon a sound financial and actuarial basis, and that the contributions shall be the actuarial equivalent of the benefits provided and paid."

Adoption
of tables —
readjustments
periodically.

Approved March 3, 1953.

CHAPTER 158

An Act to Amend Section 90-129 of the Revised Codes of Montana, 1947, and to Transfer to the Commissioner of Agriculture as Ex Officio Sealer of Weights and Measures Provided for in Section 90-129 of the Revised Codes of Montana, 1947, the Power to Inspect and Classify Meters, Measuring, Gauging or Testing Devices Pertaining to Petroleum and Petroleum Products, the Power Now Vested in the Railroad and Public Services Commission, to Establish Fees to be Paid for Said Service and to Repeal Section 60-218 of the Revised Codes of Montana, 1947.

Be it enacted by the Legislative Assembly of the State of Montana:

Repealing
section 60-218,
R.C.M., 1947.

Section 1. That Section 60-218 of the Revised Codes of Montana, 1947, be, and the same is hereby repealed.

Amending
clause.

Section 2. That Section 90-129 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Authority
to inspect
weighing and
measuring
devices.

“90-129. (4243) **Authority to Inspect Weighing and Measuring Devices.** The state sealer of weights and measures, or his deputies shall have power to inspect, test, try and ascertain if they are correct, all weights, scales, beams, measures of any kind, instruments or mechanical devices for measurement, and the tools, appliances, or accessories connected with any and all of such instruments or measurements, used, kept for use, sold, offered for sale, or kept for sale, or employed within the state by a proprietor, agent, lessee or employee in determining the size, quantity, extent, area or measurement of quantities, things, produce, articles for distribution or consumption, offered or submitted by such persons for sale, hire, or award. Provided also, that the state sealer of weights and measures, or his deputies, shall at least once a year and as often as may be deemed necessary, try and prove all computing scales and other devices having a device for indicating or registering the price as well as the weight of the commodity offered for sale. Computing devices, which may be used by any person at any place within this state, shall be tested as to the correctness of both weight and arithmetical values indicated by them.

“The state sealer of weights and measures, or his deputies shall have in addition to the above mentioned powers, the power to inspect and classify all meters, measuring, gauging or testing devices and apparatus used in connection with the wholesale and retail distribution of petroleum and petroleum products, and may prescribe suitable standards of accuracy for such meters and measuring devices, conformable to the standards fixed by the United States bureau of standards for such devices.

Adding
authority over
petroleum and
petroleum
products
measures.

“It shall be the duty of each person, firm, partnership or corporation owning or operating any of the above enumerated measuring devices used in the wholesale or retail distribution of petroleum and petroleum products to pay to the state sealer of weights and measures, or his deputies, at time of inspection the following inspection fee: Petroleum pumps (filling stations, etc.) one dollar (\$1.00): vehicle tank meters and bulk meters two and one-half inch (2½”) and under five dollars (\$5.00): petroleum bulk meters over two and one-half inch (2½”) eight dollars (\$8.00).”

Inspection fees.

Approved March 3, 1953.

CHAPTER 159

An Act Relating to County Budgets, Amending Section 16-1907, Revised Codes of Montana, 1947, Limiting the Total of Expenditures Which May be Made or Liabilities Which May be Incurred in Any County in Any Fiscal Year to Meet Emergencies, and Providing for the Holding of Elections to Vote on the Question of Authorizing Additional Emergency Expenditures.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 16-1907 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending
clause.

“Section 16-1907. (4613.6) Emergency Expenditures — Notice and Hearings — Objections by Taxpayers — Appeal — Notice and Hearing Dispensed With in Extreme Cases — Emergency Warrants — Tax Levy — Lapse of Appropriations. (1) In a public emergency, other than

Emergency
expenditures.

Notice and
hearings.

Objections by
taxpayers.

such as are hereinafter specifically described, and which could not reasonably have been foreseen at the time of making the budget, the board of county commissioners, by unanimous vote of the members present at any meeting, the time and place of which all the commissioners shall have had reasonable notice, shall adopt and enter upon their minutes a resolution stating the facts constituting the emergency and the estimated amount of money required to meet such emergency and shall publish the same, together with a notice that a public hearing will be held thereon at the time and place designated therein, but which shall not be less than one week after the date of said publication, at which any taxpayer may appear and be heard for or against the expenditure of money for such alleged emergency. Such resolution and notice shall be published once in the official newspaper of the county, and if there be none then in a newspaper of general circulation in the county.

Appeal.

(2) Upon the conclusion of such hearing, if the commissioners shall approve of such emergency expenditure, they shall make and enter upon their official minutes, by unanimous vote of all of the members of the board present at such meeting, an order setting forth the facts constituting such emergency together with the amount of expenditure authorized by them therefor, which order, so entered, shall be lawful authorization for them to expend such amount, but no more, for such purpose, subject however, to the following limitations: No expenditures shall be made or liability incurred pursuant to said order until five (5) days, exclusive of the day of entry of said order, shall have elapsed, during which time any taxpayer or taxpayers of said county feeling aggrieved by said order may appeal therefrom to the district court for such county by filing with the clerk of such court a verified petition, a copy of which shall theretofore have been served upon the county clerk and recorder of said county as the clerk of the board of county commissioners. Said petition shall set forth in detail the objections of the petitioner or petitioners to said order, giving their reasons why the said emergency does not exist. The service and filing of such petition shall operate to suspend such emergency order and the authority to make any expenditure or incur any liability

thereunder, until final determination of the matter by the court.

(3) Upon the filing of such petition the court shall immediately fix a time for hearing such petition which shall be at the earliest convenient time. At such hearing the court shall hear the matter de novo and may take such testimony as it deems necessary. Its proceedings shall be summary and informal and its determination as to whether an emergency, such as is contemplated within the meaning and provisions of this act, exists or not, and whether the expenditure authorized by said order is excessive or not shall be final.

(4) The total of all emergency budgets, and appropriations made therein, in any one year, to be paid from the county poor fund, shall not exceed twenty-five per centum (25%) of the total amount which could be produced for such county fund by a maximum levy, authorized by law to be made for such fund, computed against the taxable value of the property subject to such levy, as shown by the last completed assessment roll of the county.

Limitation on
emergency
budgets.

(5) Upon the happening of any emergency caused by fire, flood, explosion, storm, earthquake, epidemic, riot, or insurrection, or for the immediate preservation of order or of public health, or for the restoration of a condition of usefulness of which has been destroyed by accident, or for the relief of a stricken community overtaken by calamity, or in settlement of approved claims for personal injuries or property damages, exclusive of claims arising from the operation of any public utility owned by the county, or to meet mandatory expenditures required by law, the county commissioners may, upon adoption by unanimous vote of all members present at any meeting, the time and place of which all members shall have had reasonable notice, of a resolution stating the facts constituting the emergency, and entering the same upon their minutes, make the expenditures or incur the liabilities necessary to meet such emergency without further notice or hearing; *provided, that the aggregate total of all expenditures made or liabilities incurred in any fiscal year to meet emergencies other than such as are caused by fire, flood, explosion, earthquake, epidemic, riot or insurrection, shall not exceed the sum of twenty-five thousand dollars*

Notice and
hearing
dispensed with
in extreme
cases.

Limitation on
emergency
expenditures,
without vote.

in counties of classifications 1, 2, 3 and 4; fifteen thousand dollars in counties of classifications 5 and 6, and seven thousand five hundred dollars in counties of classification 7 unless the excess above said sum shall first have been authorized by a majority of the taxpaying freeholders of such county, who are registered electors therein, voting at a general or special election. The question of authorizing such excess expenditure shall be submitted in the following form, inserting in the ballot the amount of the excess proposed to be authorized and a description of the emergency to be met:

*“Shall the board of county commissioners of.....
.....County, Montana be authorized to make
additional expenditures and incur additional liabilities in
the amount of \$..... over and above the
sum of....., to meet an emergency caused
by.....
☐ Yes
☐ No.”*

Notice of such election shall be given by posting notice thereof at least fifteen days before such election in three public places in each voting precinct within the county and by publishing such notice for not less than ten days before the date of such election.

**Emergency
warrants.**

(6) All emergency expenditures shall be made by the issuance of emergency warrants drawn against the fund or funds properly chargeable with such expenditures, and the county treasurer is authorized and directed to pay such emergency warrants with any money in such fund or funds available for such purpose, and if, at any time, there shall not be sufficeint money available in such fund or funds to pay such warrants then such warrants shall be registered, bear interest and be called in for payment in the manner provided by law for other county warrants.

(7) The county clerk and recorder shall include in his annual tabulation to be submitted to the board of county commissioners the total amount of emergency warrants issued during the preceding fiscal year, and the county commissioners shall include in their tax levies a levy for each fund sufficient to raise an amount equal to the total amount of such warrants, if there be any, remaining unpaid at the close of such preceding fiscal year because of in-

sufficient money in such fund to pay the same; provided, however, that no levy shall be made for any fund in excess of the levy authorized by law to be made therefor; and provided further, that the board of county commissioners may submit the question of funding such emergency warrants at an election, as provided by law, and if at any such election the issuing of such funding bonds be authorized it shall not then be necessary for any levy to be made for the purpose of paying such emergency warrants.

(8) All appropriations, other than appropriations for incompleated improvements in progress of construction, shall lapse at the end of the fiscal year; provided that the appropriation accounts shall remain open for a period of thirty (30) days thereafter for the payment of claims incurred against such appropriations prior to the close of the fiscal year and remaining unpaid. After such period shall have expired, all appropriations except as hereinbefore provided, regarding incompleated improvements, shall become null and void, and any lawful claim presented thereafter against any such appropriation shall be provided for in the next ensuing budget."

Lapse of appropriations.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved March 3, 1953.

CHAPTER 160

An Act to Amend Section 87-148 of the Revised Codes of Montana, 1947, Relating to "Definitions" Under the Unemployment Compensation Law of Montana and Defining Agricultural Labor and Farm.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 87-148 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending clause.

"87-148. **Definitions.** As used in this act, unless the context clearly requires otherwise:

Terms defined.

(a) (1) 'Annual payroll', means the total amount of wages paid by an employer (regardless of the time of payment) for employment during a calendar year.

(2) 'Average annual payroll', means the average of the annual payrolls of an employer for the last three (3) or five (5) preceding calendar years, whichever average is higher.

(b) 'Benefits', means the money payments payable to an individual, as provided in this act, with respect to his unemployment.

(c) 'Base period', means the first four (4) of the last five (5) completed calendar quarters immediately preceding the first day of an individual's benefit year.

(d) 'Benefit year', with respect to any individual means, the fifty-two (52) consecutive-week period beginning with the date of filing of a valid claim by said individual, and thereafter the fifty-two (52) consecutive-week period beginning with the date of the next valid claim filed after the termination of his last preceding benefit year.

(e) 'Calendar quarter', means the period of three (3) consecutive calendar months ending on March 31, June 30, September 30, or December 31, excluding however, any calendar quarter or portion thereof which occurs prior to January 1, 1937, or the equivalent thereof as the commission may by regulation prescribe.

(f) 'Commission', means the unemployment compensation commission established by this act.

(g) 'Contributions', means the money payments to the state unemployment compensation fund required by this act.

(h) 'Employing unit', means any individual or type of organization, including any partnership, association, trust, estate, joint-stock company, insurance company or corporation, whether domestic or foreign, or the receiver, trustee in bankruptcy, trustee or successor thereof, or the legal representative of a deceased person, which has or subsequent to January 1, 1936, had in its employ one (1) or more individuals performing services for it within this state. All individuals performing services within this state for any employing unit which maintains two (2) or more separate establishments within this state shall be deemed to be employed by a single employing unit for all the purposes of this act. Each individual employed to perform

or to assist in performing the work of any agent or employee of an employing unit shall be deemed to be employed by such employing unit for all the purposes of this act, whether such individual was hired or paid directly by such employing unit or by such agent or employee, provided the employing unit had actual or constructive knowledge of the work.

(i) 'Employer' means:

(1) Any employing unit which for some portion of a day in each of twenty (20) different weeks, whether or not such weeks are or were consecutive within either the current or the preceding calendar year, has or had in employment, one or more individuals (irrespective of whether the same individuals are or were employed in each such day); or whose total annual payroll within either the current or the preceding calendar year, exceeds the sum of five hundred (\$500.00) dollars;

(2) Any individual or employing unit which acquired the organization, trade or business, or substantially all the assets thereof, of another which at the time of such acquisition was an employer subject to this act;

(3) Any individual or employing unit which acquired the organization, trade or business, or substantially all the assets thereof, of another employing unit (not an employer subject to this act), and which, if subsequent to such acquisition it were treated as a single unit with such other employing unit would be an employer under paragraph (1) of this subsection;

(4) Any employing unit which, having become an employer under paragraph (1), (2) or (3) has not, under section 87-110, ceased to be an employer subject to this act; or

(5) For the effective period of its election pursuant to section 87-110 (c) any other employing unit which has elected to become fully subject to this act.

(j) (1) 'Employment' subject to other provisions of this subsection means service, including service in interstate commerce, performed for wages or under any contract of hire, written or oral, express or implied.

(2) The term 'employment' shall include an individual's entire service, performed within or both within and without this state if:

(A) The service is localized in this state; or

(B) The service is not localized in any state but some of the service is performed in this state and (I) the base of operations, or, if there is no base of operations, then the place from which such service is directed or controlled, is in this state; or (II) the base of operations or place from which such service is directed or controlled is not in any state in which some part of the service is performed, but the individual's residence is in this state.

(3) Service not covered under paragraph (2) of this subsection, and performed entirely without this state, with respect to no part of which contributions are required and paid under an unemployment compensation law of any other state or of the federal government, shall be deemed to be employment subject to this act if the individual performing such services is a resident of this state and the commission approved the election of the employing unit for whom such services are performed that the entire service of such individual shall be deemed to employment subject to this act.

(4) Service shall be deemed to be localized within a state if —

(A) The service is performed entirely within such state; or

(B) The service is performed both within and without such state, but the service performed without such state is incidental to the individual's service within the state, for example, is temporary or transitory in nature or consists of isolated transactions.

(5) Services performed by an individual for wages shall be deemed to be employment subject to this act unless and until it is shown to the satisfaction of the commission that:

(A) Such individual has been and will continue to be free from control or direction over the performance of such services, both under his contract and in fact; and

(B) Such service is either outside the usual course of the business for which such service is performed, or that

such service is performed outside of all the places of business of the enterprise for which such service is performed; and

(C) Such individual is customarily engaged in an independently established trade, occupation, profession or business.

(6) The term 'employment' shall not include:

(A) Agricultural labor;

The term 'agricultural labor' includes all services performed —

(1) *On a farm, in the employ of any person, in connection with cultivating the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and fur-bearing animals and wildlife.*

(2) *In the employ of the owner or tenant or other operator of a farm, in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment, or in salvaging timber or clearing land of brush and other debris left by a hurricane, if the major part of such service is performed on a farm.*

(3) *In connection with the production or harvesting of maple sirup or maple sugar or any commodity commonly known as agricultural commodities, or in connection with the raising or harvesting of mushrooms, or in connection with the hatching of poultry, or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways used exclusively for supplying and storing water for farming purposes.*

(4) *In handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, any agricultural or horticultural commodity; but only if such service is performed as an incident to ordinary farming operations or, in the case of fruits and vegetables, as an incident to the preparation of such fruits or vegetables for market. The provisions of this paragraph shall*

not be deemed to be applicable with respect to service performed in connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption.

(5) As used in this section, the term 'farm' includes stock, dairy, poultry, fruit, fur-bearing animals, and truck farms, plantations, ranches, nurseries, ranges, greenhouses or other similar structures used primarily for the raising of agricultural or horticultural commodities, and orchards.

(B) Domestic service in a private home, local college club or local chapter of a college fraternity or sorority;

(C) Service performed as an officer or member of the crew of a vessel on the navigable waters of the United States;

(D) Service performed by an individual in the employ of his son, daughter, or spouse, and service performed by a child under the age of twenty-one (21) in the employ of his father or mother;

(E) Service performed in the employ of a corporation, community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, or wild life and anglers clubs or associations, no part of the net earnings of which inures to the benefit of any private shareholder or individual;

(F) Service performed in the employ of this state, or of any political subdivision thereof, or of any instrumentality of this state or its political subdivisions;

(G) Service performed in the employ of any other state or its political subdivisions, or of the United States government, or of an instrumentality of any other state or states or their political subdivisions or of the United States, except that national banks organized under the national banking law shall not be entitled to exemption under this section and shall be subject to this act the same as state banks;

(H) Service with respect to which unemployment compensation is payable under an unemployment compensation system established by an act of congress; provided,

that the commission is hereby authorized and directed to enter into agreements with the proper agencies under such act of congress, which agreements shall become effective ten (10) days after publication thereof in the manner in section 87-121 for general rules, to provide reciprocal treatment to individuals who have, after acquiring potential rights to benefits under this act, acquired rights to unemployment compensation under such act of congress, or who have, after acquiring potential rights to unemployment compensation under such act of congress, acquired rights to benefits under this act;

(I) Services performed in the delivery and distribution of newspapers or shopping news from house to house and business establishments by an individual under the age of eighteen (18) years, but not including the delivery or distribution to any point or points for subsequent delivery or distribution.

(k) 'Employment office', means a free public employment office, or branch thereof, operated by this state or maintained as a part of a state-controlled system of public employment offices, or such other free public employment offices operated and maintained by the United States government or its instrumentalities, as the commission may approve.

(l) 'Fund', means the unemployment compensation fund established by this act, to which all contributions required and from which all benefits provided under this act shall be paid.

(m) 'State' includes, in addition to the states of the United States of America, Alaska, Hawaii, the District of Columbia, and the Dominion of Canada."

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing
clause.

Approved March 3, 1953.

CHAPTER 161

An Act to Amend Section 92-104, Revised Codes of Montana, 1947, Relative to the Qualification, Compensation and Personnel of the Industrial Accident Board, and

Repealing All Acts and Parts of Acts in Conflict Here-
with.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 92-104 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Industrial
accident
board—
compensation,
terms, salaries,
organization.

“92-104 (2819) **Industrial Accident Board — Compensation — Terms and Salaries.** There is hereby created a board to consist of three (3) members. The commissioner of labor and industry shall be one member, *the commissioner of agriculture* shall be one member, and one member shall be appointed by the governor, *by and with the consent of the senate.* The board shall be known as the industrial accident board and shall have the powers, duties, and functions hereinafter conferred. The term of office of the appointed member of the board shall be four (4) years and until his successor shall have been appointed and *confirmed.* He shall receive an annual salary of *seven thousand dollars (\$7,000.00),* payable monthly and shall be chairman of the board. The board shall elect one of their *own* number as treasurer of the board; *provided, however, that the provisions of this act shall not be applicable to the chairman of the board until the expiration of term of the present chairman of said board.*”

Repealing
clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective
immediately.

Section 3. This act should be in full force and effect from and after its passage and approval.

Approved March 3, 1953.

CHAPTER 162

An Act to Provide for Regulating the Production and Disposition of Prison Made Goods; Requiring the Penal and Custodial Institutions of the State to Purchase Such Goods Except in Certain Instances; Providing That Repair and Maintenance Work May be Done in the Custodial and Penal Institutions of the State; Creating an Advisory Council; Providing for the Organization,

Duties and Purpose of Said Council; Providing Penalties for the Violation of This Act and Repealing Sections 94-35-153 to 94-35-162, Inclusive, of the Revised Codes of Montana, 1947.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. **Sale on the Open Market Prohibited.** The sale on the open market of this state of all goods, wares, or merchandise, manufactured or mined, wholly or in part, by any penal or reformatory institutions is hereby prohibited. On and after the effective date of this act, the provisions of this act and all other regulations and laws of this state in effect at that time, and not inconsistent with this act will apply to all goods, wares, or merchandise, manufactured or mined, wholly or in part, by convicts or prisoners (except prisoners on parole or probation), and in any penal or reformatory institutions, and transported into the State of Montana for use or distribution to the same extent and in the same manner as if such goods and merchandise were so manufactured, produced, or mined within the State of Montana. Provided, that nothing contained herein, shall be construed to prevent the sale of agriculture and horticultural products through the usual channels of trade.

Prison-made goods — sale on open market prohibited.

Except agricultural products.

Section 2. **Contracts Forbidden.** It is hereby declared unlawful for the State of Montana or any of its officers or agents; or any of the political subdivisions thereof, to enter into any contract or any arrangement for the labor of any of the inmates of any of the penal or reformatory institutions of this state.

Contracts forbidden.

Section 3. **Exchange of Goods Within the State.** For the purpose of this act, the provisions of section 1, relating to the sale on the open market, shall not include the sale or exchange of convict-made goods produced in the penal or reformatory institutions, to or with any penal, charitable, reformatory or custodial institutions, the major portion of whose maintenance is contributed by this state for the use and/or consumption of said institution, or for the use or consumption of the inmate of said institution.

Institutional exchange of goods within state permitted.

Section 4. **Regulation by Board.** The board of state prison commissioners is hereby authorized and directed to make such rules and regulations, governing the conducted

Board of prison commissioners to make rules and regulations.

industries in the penal or reformatory institutions of this state, as will (a) result in the manufacture, mining, or production of only such goods, wares or merchandise as may be used or needed in the several penal, custodial, charitable or reformatory institutions, the major portion of whose maintenance is contributed by this state, (b) result in the manufacture at such penal or reformatory institutions of as wide a variety of products as practicable, it being the purpose and intent of this provision to direct the management of said institutions, to so diversify the products of said institution as to eliminate the concentration of prison labor in any one or few industries, and (c) accomplish to the greatest degree the rehabilitation of the inmates.

Board to
fix prices.

Section 5. **Pricing by Board.** The board of state prison commissioners is hereby authorized and directed to establish and fix the sale price for the products of the industries in the penal or reformatory institutions of the state. In no case shall prices so established and fixed for such products be greater than the prices existing in the open market for products of comparable quality.

Advisory coun-
cil created —
organization
and duties.

Section 6. **Advisory Council — Organization and Duties.** There is hereby created an advisory council for the purpose of studying existing methods of manufacture and distribution of prison-made goods with the view to improvements which will accomplish the ends and purposes set forth in section 3 of this act. Said council shall consist of five (5) members to be appointed by the governor. One (1) of the members shall be a representative of labor, one (1) of industry, one (1) of agriculture, one (1) of consumer goods distribution and the state director of vocational education. The council shall organize within thirty (30) days after their appointment by the election of a chairman and secretary and such other officers as they may deem necessary. Their duties shall be to examine into all matters relating to the manufacture and distribution of prison-made goods, to consult with and advise the warden of the state prison in regard to existing prison industries, the management thereof and the advisability of establishing additional industries with the view to accomplishment of the results set forth in section 3 of this act. From time to time, if they shall deem it advisable to do so, they shall render reports and make recommendations to the board of state prison

commissioners. They shall prepare a full report of their investigations, findings and recommendations. They shall be paid their actual and necessary expenses in connection with these duties.

Section 7. **Purchase Mandatory.** On and after the effective date of this act, the penal and custodial institutions of this state shall purchase from the board of state prison commissioners all articles, if available, required by such penal or custodial institutions of the state, produced or manufactured by the said board in the penal or reformative institutions of the state and no such article shall be purchased by any penal or custodial institution of the state from any other source unless excepted from the provisions of this section, as hereinafter provided.

Purchase
from board
mandatory.

Section 8. **Exceptions From Mandatory Provisions.** Exceptions from the operation of the mandatory provisions of this section may be made in any case where, in the opinion of the board of state prison commissioners, articles so produced or manufactured do not meet the reasonable requirements of such penal or custodial institution of the state, or in any case where the requisition made cannot be complied with on account of an insufficient supply of articles or supplies required. No such penal or custodial institution shall be allowed to evade the intent and meaning of this section by slight variations from standards adopted by the board of state prison commissioners when the articles produced or manufactured by it, in accordance with its standards, are reasonably adapted to the actual needs of such penal or custodial institution.

Exceptions.

Section 9. **Intentional Violation.** No voucher, certificate or warrant issued by the state, or penal or custodial institution, shall be questioned on the grounds that this section has not been complied with, but if intentional violation of this section by any penal or custodial institution continues after notice from the governor to desist, the same shall constitute a malfeasance in office and shall subject the officers responsible for this violation to suspension or removal from office, as may be provided by law in other cases of malfeasance.

Intentional
violation—
malfeasance.

Section 10. **Authority to Print and Distribute Catalogues.** The board of state prison commissioners may cause to be prepared annually, at such times as it may

Catalogues to
be printed
annually.

determine, catalogues and circulars containing the description of all articles and supplies manufactured and produced by it, pursuant to the provisions of this act, copies of which catalogue or circular shall be sent by it to all penal and custodial institutions of the state.

Penalties.

Section 11. **Penalties.** Whoever sells or exposes for sale or exchange any goods, wares, or merchandise manufactured, produced, or mined, wholly or in part, by convicts or prisoners, (except prisoners on parole or probation), in any penal or reformatory institutions, except in the methods established by this act, shall, upon conviction, be subject to a fine of three hundred dollars (\$300.00) or imprisonment for ninety (90) days, or both, and each such sale or offer for sale or exchange shall be considered a separate offense; provided that this act shall have no application to articles and things made by an inmate for his own individual profit.

"Open market" defined.

Section 12. **"Open Market" Defined.** The words "open market", as used in this act, shall mean all sales or exchange conducted or transacted through the medium of stores, shops, sales agents or agencies, whether retail or wholesale, or in any manner to the consuming public.

"Industrial revolving fund" created.

Section 13. **Revolving Fund.** All receipts from the sale of the products produced or manufactured by the industries in the penal or reformatory institutions of the state shall be deposited in the state treasury to the credit of a special fund to be designated "industrial revolving fund". Said fund shall be available for capital outlay for industrial purposes or maintenance, operation and recurrent expenses of the industries above described. At the beginning of each fiscal year the maximum amount of such revolving fund shall not exceed an amount equivalent to fifty percent (50%) of the total sales from all industries for the preceding fiscal year and any excess shall be transferred to the state general fund.

Interstate sale or exchange prohibited.

Section 14. **Interstate Sale or Exchange Between Penal Institutions Prohibited.** The exchange of the products of penal or reformatory institutions of this state, as specified in this act, for the products of any other state is hereby prohibited.

Manufacture motor vehicle plates permitted.

Section 15. **Manufacture of License Plates by Penal Institutions Not Prohibited — Sale of Surplus Raised Ex-**

clusively for Inmates Not Prohibited. Nothing contained herein shall be deemed to prevent any of the said institutions from manufacturing motor vehicle number plates, and other articles required or needed by the office of the registrar of motor vehicles, or metal highway marking signs required by the state highway department, or from preventing any of said institutions selling or disposing of any reasonable surplus of produce raised exclusively for the use, feeding or maintenance of the inmates of any of said institutions.

Sale of surplus produce raised for inmates permitted.

Section 16. Repair and Maintenance of Property of Penal and Custodial Institutions by Inmates Not Prohibited. Nothing contained herein shall be deemed to prevent the repair and maintenance of all property and equipment of all custodial and penal institutions by the inmates of those institutions, nor shall it be deemed to prevent the repair and maintenance in any of the penal or custodial institutions of the state of furniture and equipment of any other institution of the state.

Repair and maintenance of institutional property by inmates permitted.

Section 17. Board to Provide for Repair and Maintenance Work. The board of state prison commissioners is hereby authorized and directed to make rules and regulations for the purpose of establishing facilities and programs in the penal and reformatory institutions of the state which will enable the said institutions to carry out as much of the repair and maintenance work as the nature of the penal and reformatory institutions will permit.

Board to provide for maintenance work.

Section 18. "Penal and custodial institutions of the state" as used in this act shall mean the following: the state penitentiary at Deer Lodge; the state tuberculosis sanitarium at Galen; Montana state hospital at Warm Springs; the soldiers' home at Columbia Falls; the state orphans' home at Twin Bridges; the Montana state training school at Boulder; the Montana state school for the deaf and blind at Great Falls; the Montana state industrial school at Miles City; the state vocational school for girls at Helena, and the state home for the aged at Lewistown.

What are "penal and custodial institutions."

Section 19. That Sections 94-35-153 to 94-35-162, inclusive, of the Revised Codes of Montana, of 1947, be, and the same are hereby repealed.

Repealing sections 94-35-153 to 94-35-162, R.C.M., 1947, inclusive.

Effective
immediately.

Section 20. This act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1953.

CHAPTER 163

An Act to Amend Sections 46-2308, 46-2314, 46-2320, 46-2322, 46-2324 and 46-2325 of the Revised Codes of Montana, 1947, Relating Respectively to the Time and Manner of Appeals to the Commission; the Right of Judicial Review Therefrom; and Jurisdiction of the Courts; Relating to Membership in State Districts and Limiting the Preference or Rights Thereunder; Providing for the Revocation of Grazing Preferences and Notice Thereof; Providing for the Disposal of Surplus Reserves and Relating to Dissolution of a State District; All Relating to the Grass Conservation Act; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 46-2308 of the Revised Codes of Montana of 1947, be, and the same is hereby amended to read as follows:

Mode of appeal
from district to
commission and
commission to
district court.

“46-2308. **Appeals From Decisions of State District to Commission — From Commission to District Court.** *Notice of the decision of any state district shall be given in writing by the secretary of such state district, to the interested parties or their attorneys by registered mail at the address as may be shown on the records of said district.*

Anyone affected by the decision of the state district may take an appeal therefrom to the commission which shall have jurisdiction to hear and decide all such appeals. An appeal from the decision of such district to the commission may be taken by filing written notice of such appeal with the secretary of the commission and by filing a copy of such notice of appeal with the secretary of said district and by serving a copy of such notice of appeal by registered mail upon the interested parties who have appeared, or their attorneys within sixty (60) days after receiving written notice of the decision of the said district.

The appellant shall also file with the secretary of the commission proof by affidavit of such filing and service of said notice of appeal. The appeal to the commission shall be taken and review thereof had upon the record of the hearing conducted and considered by the state district, provided, however, the commission may, at its discretion, and for good cause shown, permit additional testimony to be submitted, and the decisions of said commission shall contain findings of fact which shall be conclusive except for the right to a judicial review as hereinafter provided.

“An appeal from the decision of said commission may be taken to the district court wherein a portion of lands in said district lies. An appeal to the district court may be taken by filing notice of appeal with said district court within thirty (30) days after the rendition of the decision by said commission and notice thereof given to the interested parties, or their attorneys, by registered mail, and executing and filing a bond to the commission in the *sum of two hundred dollars (\$200.00)*, with *the* surety to be approved by the secretary of the commission, conditioned to prosecute such appeal and to pay all costs that may be adjudged against the appellant, costs to be taxed as in district court proceedings. Thereafter the said commission must file with the clerk of such district court a transcript of the record considered by the commission.”

Any person who chooses to become a member of any state district is bound by all the provisions of the grass conservation act and is limited to the statutory remedies therein contained and no court shall have jurisdiction to consider any right claimed under such act excepting only by judicial review from the final decision of the commission as herein provided.

Section 2. That Section 46-2314 of the Revised Codes of Montana of 1947, be, and the same is hereby amended to read as follows:

Amending
clause.

“46-2314. **Membership in District.** Membership in the district is limited to persons, partnerships, corporations and associations engaged in the livestock business who own or lease forage producing lands within or near the district except that the agent of any person, association, partnership or corporation entitled to membership in the district, may become a member in place of his principal. If any

Membership
in district,
qualifications,
regulations.

agent becomes a member his qualifications for membership and his obligations to and the privileges in the district shall be measured by those his principal would have had if he had elected to become a member. No agent and his principal shall both be members of the district unless such agent has individual qualifications for membership which are separable from and independent of those of his principal. Permittee members only shall be entitled to vote on all issues submitted to a vote of the members. No such member shall have more than one vote. Voting by proxy shall not be permitted. All members who possessed preferential grazing permits during the preceding grazing season or who possess such a permit at the time of voting shall be designated as permittee members.

“When any member shall dispose of a part of the lands or leases owned by him so that another shall become the owner of such lands or leases and acquire the right to membership, then the rights and interest involved shall be determined by the directors of the state district with the approval of the commission.”

Preferences or rights under this act through the creation of the district or the issuance of permits or preferences are statutory and shall not create any vested right, title, interest or estate in or to the lands owned or controlled by the district excepting as herein provided.

Amending
clause.

Section 3. That Section 46-2320 of the Revised Codes of Montana of 1947, be, and the same is hereby amended to read as follows:

Distribution
of grazing
preferences.

“46-2320. **Distribution of Grazing Preferences.** When a state district is organized, grazing preferences shall be distributed in the following manner: Any member of a state district owning or controlling dependent commensurate property as heretofore defined may be given a grazing preference. If the carrying capacity of the range exceeds the reasonable needs of the members owning or controlling dependent commensurate property, members owning or controlling commensurate property shall have the preference. If the carrying capacity of the range exceeds the reasonable needs of the members owning or controlling dependent commensurate property or commensurate property, temporary grazing permits may be issued to nonmembers or members, preferring those that have

used the range for any three or any two consecutive years in the five-year period immediately preceding June 28, 1934; or in the case of districts organized after March 15, 1945, preferring those that have used the range five (5) years immediately preceding the organization of such districts. When such temporary permit is utilized by a permittee in connection with forage producing lands owned or controlled by such permittee within or near the district for a period of any combination of four years out of five, then the forage producing lands owned or controlled by such permittee may be considered dependent commensurate property, and upon application, the district may accordingly grant such permittee membership and preference in the districts providing an application had been made for temporary rights for each of the five years. *Provided, however, such temporary permits shall at all times be merely privileges granted from year to year, and their possession shall in no event establish a preference right unless such preference right be expressly granted by the district and in the manner herein provided.*"

Temporary permits are but privileges.

If reductions in grazing privileges become necessary, operators with temporary permits will be reduced first on a proportionate basis. When the extent of reduction of privileges exceeds that of temporary permits, then the rights of operators with both dependent commensurate property and commensurate property shall be reduced together on a proportionate basis.

Section 4. That Section 46-2322 of the Revised Codes of Montana of 1947, be, and the same is hereby amended to read as follows:

Amending clause.

"46-2322. Grazing Preferences Appurtenant to Dependent Commensurate Property and Commensurate Property and Method of Transferring Preferences to Other Lands. Grazing preferences shall run with and be appurtenant to, the dependent commensurate and commensurate property upon which they are based. They shall not be subject to devise, bequest, attachment, execution, lease, sale, exchange, transfer, pledge, mortgage, or other process, or transaction, except as provided in this section or in the bylaws of a state district. *Upon application by a permittee, the state district with the approval of the grass conservation commission may allow a preference based on owner-*

Grazing permits appurtenant to dependent commensurate and commensurate property.

How may be transferred to other property.

ship or control of dependent commensurate or commensurate property to be transferred to other property owned or controlled by the permittee of sufficient commensurability, provided that in any transfer of preference from dependent commensurate or commensurate property controlled but not owned by applicant, the applicant must have had control and use of the dependent commensurate or commensurate property and the preference appurtenant thereto, for five (5) consecutive years and must have established and maintained the livestock operation upon which the dependency was established by use or priority immediately prior to the application for transfer. Provided further, that such transfer will not interfere with the stability of livestock operations or with proper range management and will not affect adversely the established local economy, and provided further, that no such transfer will be allowed without the written consent of the owner or owners and any encumbrances of the dependent commensurate or commensurate property from which the transfer is to be made and provided further, that such transfer shall not in any case become effective until approved by the grass conservation commission. The provision of the section shall not be construed to apply to trespass violations.

When such application is presented to the board the secretary upon the direction of the board shall give notice thereof, setting forth in general said application and the time and place of hearing thereon as fixed by the board, and a copy of said notice shall be given or mailed to the applicant and shall be published for at least once a week for two successive weeks prior to such meeting in a newspaper published or generally circulated within the district, and said notice shall also be posted for at least two full weeks prior to such meeting in three (3) public places within said district, and the date of hearing must be at least fifteen (15) days from the first publication of said notice, and at such hearing the directors shall fully hear and determine such application and objections thereto if any.

Upon the allowance of a transfer under this section, the property from which the transfer is made shall lose its grazing preference to the extent of the preference transferred.

All expenses involved under the application shall be borne by the applicant.

“When the land to which a preference is attached shall change its control or ownership such preference shall change with the land, provided, that the person to which such control or ownership changes shall secure a non-use permit or shall pay the usual grazing fees. If such person fails to secure such non-use permit or refuses to pay such grazing fees, the preferences may be revoked by the state district. If any person controls but does not own land and does not secure a non-use permit and refuses to pay grazing fees, the state district shall notify the owner of such land by registered mail that the preference attached to such land will be revoked unless such owners shall pay the usual grazing fees to the state district within sixty (60) days from the time of receipt of such notice. The state district may revoke such preference if the owner or mortgagor does not pay such fees or secure a non-use permit.”

Permit
appurtenant.

If any permittee fails to pay grazing fees or assessments levied by the state district, or fails to obtain a non-use permit or violates any of the rules and regulations of the state district, the state district may notify such permittee and owner of such land by registered mail that the preference attached to such land will be revoked unless such grazing fees or assessments are paid or such permittee ceases to violate the rules and regulations laid down by the district within sixty (60) days from the time of receipt of such notice. The state district may revoke such preference if the permittee or owner fails to pay such charges or make such compliance.

Revocation
procedure.

“When a preference is revoked, it shall be detached from the dependent commensurate or commensurate property to which it was formerly appurtenant. The preference shall immediately shift to the state district. The state district may then allocate it to either dependent commensurate or commensurate property in the manner provided by its bylaws.”

In all cases where notices are given permittees under this act by registered mail and addressed to the post office address of such permittee as shown by the records of such grazing district such notices shall be deemed received by

the permittee when deposited in the United States post office by the district or by the commission.

Amending
clause.

Section 5. That Section 46-2324 of the Revised Codes of Montana of 1947, be, and the same is hereby amended to read as follows:

Permittee
member
receives share
of surplus
assets.

“46-2324. Permittee Member Receives Share of Surplus Assets. *Whenever a state district shall possess reserves the values of which are greater than its liabilities and the state district shall determine that a part of such reserves is in excess of its reasonable needs to operate the district, such state district may refund to the permittee members their proportionate share of such reserves as determined at the last annual accounting.*

“Whenever a state district shall possess reserves and physical assets, the values of which are greater than its liabilities, and a permittee member shall lose his grazing preference, he shall be entitled to receive his proportionate share of the value of such excess from the state district, as determined by the annual accounting of the state district. The state district may set off the amount of any claim it may have against such former member.

“Whenever a new member shall receive a grazing preference, he shall, as a condition of receiving such preference, pay to the state district the value of the equitable interest in the physical assets and reserve fund which accrues to him by virtue of such membership. Such value shall be determined at the time of receiving such preference, and upon the basis of the determination of value of such physical assets and reserves made at the last annual accounting.”

Amending
clause.

Section 6. That Section 46-2325 of the Revised Codes of Montana of 1947, be, and the same is hereby amended to read as follows:

Dissolution
of district—
procedure, sale.

“46-2325. Dissolution of District. *A state district with the written consent of three-fourths of its permittee members may at any time request the commission for the dissolution of the state district. When such consent has been given, the directors shall distribute the assets of the state district, either in items of property or in cash or in both. Distribution shall first be made to creditors up to the amount of their claims, providing that a distribution*

of any property must be with the consent of the commission. Distribution shall then be made to permittee members upon the basis of their proportionate interest in such assets, provided that a distribution of any property must be with the consent of the commission. If assets must be liquidated, the directors shall offer such assets for sale at public auction after publication of a notice of such sale once a week for two successive weeks in a newspaper of general circulation within the state district. A final report of all dissolution proceedings shall be made to the commission by the directors. Upon the approval of such report by the commission, it shall order such state district dissolved."

Section 7. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing
clause.

Section 8. This act shall be in full force and effect from and after its passage and approval.

Effective
immediately.

Approved March 3, 1953.

CHAPTER 164

An Act to Amend Section 89-1311, Revised Codes of Montana, 1947, Relating to the Qualification of Electors in Irrigation Districts; Providing for a Separate and Distinct Method of Voting for Commissioners in Districts With More Than Five Per Cent (5%) of the Total Acreage Platted or Subdivided.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 89-1311 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending
clause.

"89-1311. Qualification of Electors — Voting Rights, How Determined. At all elections held under the provisions of this act, except as herein otherwise expressly provided, the following holders of title, or evidence of title, to lands within the district, herein designated electors, shall be entitled to vote:

Qualifications
of electors.

1. All persons having the qualifications of electors under the constitution and general and school laws of the state;

2. Guardians, executors, administrators, and trustees residing in the state;

3. Domestic corporations, by their duly organized agents.

Voting rights,
how
determined.

“In all elections held under this act, each elector shall be permitted to cast one vote for each forty acres of irrigable land, or major fraction thereof, owned by such elector within the district, irrespective of the location of such irrigable lands within the tracts designated by the commissioners for assessment and taxation purposes, or within congressional subdivisions, platted lots or blocks, *except as hereinafter provided for*, election precincts or district divisions, but any elector owning any less than forty acres of irrigable land shall be entitled to one vote. Until actual determination of the irrigable area under the plan of reclamation proposed is had, all land included within the boundaries of the district shall be deemed to be irrigable land for election purposes.

Co-owners
voting.

“Where land is owned by co-owners, said owners may designate one of their number, or an agent, to cast the vote for said owners, and one vote only for each forty acres of irrigable land, or major fraction thereof, shall be cast by said co-owner or agent. Where land is under contract of sale to a purchaser residing within the state, such purchaser may vote on behalf of the owner of said land. When voting, the agent of a corporation, or of co-owners, or the co-owner designated for purpose of voting, or the purchaser of land under contract of sale, as the case may be, shall file with the secretary of the district, or with the election officials, a written instrument of his authority, executed and acknowledged by the proper officers of said corporation, or by said co-owners, or by the owner of such land under contract of sale, as the case may be, and thereupon such agent or co-owner, or purchaser, as the case may be, shall be deemed an elector within the meaning of this act. *Where the total irrigable acreage within any one district has been platted or subdivided into lots or blocks to the extent of five per cent (5%) or more of the total acreage of the district, each elector shall be permitted to cast one vote for each one acre of irrigable land or major fraction thereof owned by such elector within the district, irrespective of the location of such irrigable lands within the tracts designated by the commissioners for the assessment and taxation purposes or within the congressional*

subdivisions, but any elector owning any less than one acre of irrigable land within said district shall be entitled to one vote. The balloting shall take place in the following manner: Ten (10) votes or less, separate ballots will be used; more than ten (10) votes, the elector shall vote in blocks of ten using one ballot for each ten votes and separate ballots for odd votes over multiples of ten. The election shall otherwise conform with the provisions set out in section 89-1308 of this chapter. It shall be the duty of the chairman of the commissioners, or such commissioner as he may delegate, to determine before each election whether the provisions of this paragraph are in force or whether the provisions heretofore set out shall apply."

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing
clause.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Effective
immediately.

Approved March 3, 1953.

CHAPTER 165

An Act to Amend Section 91-510 of the Revised Codes of Montana, 1947, Relating to the Disposition of Funds Held by the State Treasurer Which Funds Are Derived From Escheated Estates, and Establishing an Escheated Estates Fund From Which to Pay Administrative Expense; Repealing All Acts and Parts of Acts in Conflict Herewith and Providing That This Act Shall be in Full Force and Effect Immediately After Its Passage and Approval.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 91-510 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending
clause.

"91-510. Money From Escheated Estates to be Placed in Public School Fund — Action to Recover. All money or property which is at the time of the passage and approval of this act in the hands of the state treasurer, from escheated estates, shall be placed by him in a fund to be

Money from
escheated
estates to be
placed in
escheated
estates fund.

Payment of claims.	<i>known as the escheated estates fund of the State of Montana: Out of said fund the state treasurer shall pay all claims regularly presented against the state and approved by the state board of examiners in order to defray the costs of enforcing this act and all other acts relating to escheated estates in an amount to be designated and appropriated by the legislative assembly of the State of Montana each biennium. 'Costs' shall be construed to mean such expenses as are necessarily employed in the enforcement and administration of the escheated estate laws and all other expenses of enforcing the provisions of the laws relative to escheated estates.'</i>
What are "costs."	
Annual transfer to public school fund.	<i>All other sums remaining in the escheated estates fund and not otherwise herein provided for administrative purposes and expenses shall be deposited by the state treasurer in the public school fund on the first day of July, 1953, and on the first day of July of each year thereafter.</i>
Excepting certain trust estates.	<i>Provided further, however, that trust estates created under the provisions of Section 91-520, Revised Codes of Montana, 1947, as amended, shall not become a part of the escheated estates fund until finally escheated as provided by law.</i>
Effective immediately.	Section 2. This act shall be in full force and effect immediately after its passage and approval.
Repealing clause.	Section 3. All acts and parts of acts in conflict herewith are hereby repealed.
	Approved March 3, 1953.

CHAPTER 166

An Act to Provide for the Issue and Sale by the State Board of Examiners of Bonds for the Purpose of Erecting and Furnishing a State Laboratory Building as an Adjunct to the State Capitol Building as an Addition to Bonds Already Authorized to be Issued and Sold for the Same Purpose; Designating the Funds From Which Said Bonds Shall be Paid; Providing for a State Laboratory Building Interest and Sinking Fund; Enumerating the Powers and Duties of the State Board of Examiners in Carrying Out the Provisions of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The state board of examiners of the State of Montana is hereby authorized to issue and sell bonds for the purpose of erecting and furnishing a state laboratory building as an adjunct to the state capitol building at Helena, Montana, said building to be erected upon a site upon the present capitol building grounds or upon lands owned or hereafter acquired by the state as a part of said site.

Board of
Examiners to
issue and sell
bonds for state
laboratory
building.

Section 2. Upon the sale of the bonds, the state board of examiners is hereby empowered and directed to employ an architect to complete plans; and to proceed with the erection of a building of suitable construction and design for use as a laboratory building, in accordance with the plans and specifications heretofore prepared by the state laboratories' commission in accordance with chapter 78 of the laws of the twenty-ninth legislative assembly, 1945.

Board of
Examiners to
to employ
architect,
proceed with
erection of
building.

Section 3. The state board of examiners shall call for bids for the construction of said building and let contracts for the same, all in accordance with the laws of the State of Montana. Said board shall require the contractor to give bond to the State of Montana in such amount as the board may determine, conditioned for the faithful performance of his duties and contracts.

Call for bids,
let contracts
for
construction.

Section 4. The aggregate amount of bonds authorized by this act for the purpose herein expressed shall not exceed the sum of three hundred thousand dollars (\$300,000.00) and shall be used in addition to the bonds already authorized to be issued and sold by chapter 258 of the laws of the thirtieth legislative assembly, 1947.

Bonds not
to exceed
\$300,000.00.

Section 5. Bonds issued and sold by the state board of examiners under authority of this act shall bear interest at a rate not exceeding four per cent (4%) per annum, payable semiannually. They shall be either amortization or serial bonds, shall bear such date as the state board of examiners shall prescribe, and shall be payable over such period of years, not exceeding twenty (20), as said board may specify. All bonds shall be optional and redeemable three (3) years after the date of issue and on any interest payment date thereafter, at the option of the state board of examiners. Said bonds shall be in such denominations

Conditions of
bonds, form.

and sums and shall contain such recitals as the state board of examiners may determine, shall be signed by the governor, the attorney general, and the secretary of state as members of said board, and shall be paid at the office of the state treasurer of the State of Montana. The coupons attached to said bonds may bear the facsimile signature of the members of said board.

Bonds sold
from time
to time.

Section 6. Said bonds shall be sold by the state board of examiners at such time and in such manner as the board shall deem best to carry out the provisions of this act; provided that none of such bonds shall be sold for less than par, plus accrued interest to the date of delivery of the bonds. Each of said bonds shall be registered before delivery with the state treasurer of the State of Montana, who shall keep accurate accounts of payments of interest and principal upon said bonds.

Disposition
of moneys —
payment of
bonds, limita-
tion to capitol
building
land grant.

Section 7. The principal and interest of the bonds authorized by this act shall be payable out of the following fund and from it only; all the income received from the capitol building land grant, subject only to the prior dedication and appropriation of monies therefrom for the payment of principal and interest of bonds that are or may be issued pursuant to chapter 258 of the laws of the thirtieth legislative assembly, 1947, or that may be issued pursuant to chapter 7 of the laws of the thirty-third legislative assembly, 1953, or that may be issued pursuant to house bill No. 266 of the thirty-third legislative assembly, 1953, shall be, and the same is hereby perpetually dedicated and appropriated for the payment of the principal and interest of the bonds provided for by this act. Any and all balances or sums now in said capitol building land grant fund or that may accrue to and become a part of said fund prior to the time of the sale of the bonds provided for herein, in excess of the amount heretofore dedicated and appropriated by said Chapter 258 of the laws of the thirtieth legislative assembly, 1947, or that may be dedicated and appropriated by chapter 7 of the laws of the thirty-third legislative assembly, 1953, or that may be dedicated and appropriated by house bill No. 266 of the thirty-third legislative assembly, 1953, shall likewise be, and the same are hereby pledged and appropriated for the payment of principal and interest of the bonds authorized by this act, and to cover and pay the cost of erecting

and furnishing said building to the extent said balances and accruals to said fund may be sufficient to pay the same; provided said bonds shall be issued and sold by said board of examiners as herein provided only for the total sum or amount necessary to be raised in excess of such total of all balances or sums now in, or that may be accrued to, said capitol land grant in order to make available for such erection and furnishing of said building a total of three hundred thousand dollars (\$300,000.00) in addition to the amount that may be derived from the sale of bonds authorized by chapter 258 of the laws of the thirtieth legislative assembly, 1947.

Section 8. To provide for the payment of the interest and principal of the bonds authorized by this act, there shall be paid into the special fund known as the state laboratory building interest and sinking fund created by chapter 258 of the laws of the thirtieth legislative assembly, 1947, all the sums of money hereinbefore dedicated and appropriated to the payment of the principal and interest of said bonds and the erection and furnishing of said building.

Moneys to be paid into state laboratory building and interest fund.

Section 9. The appropriation herein provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Budget act disclaimer.

Section 10. Every section of this act and every part of each section is hereby declared to be independent of each other, and the holding of any section or part hereof to be void or ineffective for any cause shall not be deemed to affect any other section or part hereof.

Severability.

Section 11. This act shall be in full force and effect from and after its passage and approval.

Effective immediately.

Approved March 3, 1953.

CHAPTER 167

An Act Prohibiting the Importation Into Montana of Farm Implements or Machinery on Which the Serial Numbers Have Been Destroyed, Removed, Altered, Covered or Defaced; Prohibiting the Destruction, Removal, Alteration, Covering or Defacing of the Serial Numbers

on Farm Implements or Machinery; Prohibiting the Transportation or Offering for Sale, Selling or Otherwise Disposing of Farm Implements or Machinery Knowing the Same to Have Been Imported Into Montana in Violation of This Act and Providing Penalties for the Violation Hereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Prohibiting
importation
or sale of farm
machinery on
which serial
numbers
destroyed.

Section 1. No person, firm or corporation shall import, or cause to be imported into the State of Montana any tractor, forage blower, combine, thresher, forage harvester, hay baler, power mower or any other item of heavy farm machinery on which the serial numbers have been destroyed, removed, altered, covered or defaced; nor transport, sell, offer for sale or otherwise dispose of any such farm implements or machinery within the State of Montana knowing the same to have been imported in violation of this act.

Forbidding
destruction,
alteration
or covering of
serial numbers.

Section 2. No person, firm, association or corporation shall destroy, remove, alter, cover, or deface the manufacturer's serial numbers from any tractor, forage blower, combine, thresher, forage harvester, hay baler, power mower or any other item of heavy farm machinery having such numbers.

Penalty.

Section 3. *Any wilful violation of any of the provisions of this act shall constitute a misdemeanor.*

Approved March 3, 1953.

CHAPTER 168

An Act Providing That the Board of County Commissioners May Set Up County Livestock Protective Committees; Providing for Petitions, and for Appointment and Duties of Committee; Providing for Appointment of a Special Livestock Deputy for County, and Prescribing His Duties and Compensation; Providing That Levy May be Made on Livestock in County for the Purposes of This Act; Providing for Cooperation With the Montana Livestock Commission, Sheriff and Boards of County Commissioners; Providing for Discontinuing Such Committee; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The board of county commissioners must, upon receipt of a petition or petitions to do so, signed by at least fifty-one per cent (51%) of the owners of cattle in the county, and such petitioners owning at least fifty-five per cent (55%) of the cattle as shown by the most recent completed assessment records of the county assessor, set up a county livestock protective committee of three (3) members. Members appointed to serve on such committee shall be residents of the county engaged in the business of raising cattle. If there be in the county any organization of cattle growers the county commissioners shall give preference to names submitted by any such group for appointment to such committee. The term for which said committee members shall be appointed shall be two (2) years with two (2) members of the first committee named to serve for two (2) years, one (1) member to serve for one (1) year. Members of such committee shall receive no remuneration or reimbursement for expenses for serving on said committee. By "organization of cattle growers" as used in this section is meant any group or organization holding regular meetings at least annually, having officers, and composed predominantly of cattle growers resident in the county, with its membership open to cattle growers willing to abide by its governing rules or bylaws, and its general purpose being the promotion of the interests of its members in matters pertaining to the cattle or livestock industry, provided, however, that if owners of sheep in the county desire to come under the provisions of this act in co-operation with owners of cattle, they shall file a like petition to that set out herein for owners of cattle, and in such case at least one member of said livestock protective committee shall be a sheep grower, and where the word "cattle" appears in this act it shall be deemed to comprehend also the word "sheep"; provided, that owners of sheep alone may form a county livestock protective committee, in which case the word "cattle" as in this act contained shall be considered as if it were the word "sheep"; and provided further, that the levy as provided in section 4 hereof shall, in the case of sheep, not exceed five cents (5¢) per head.

County
livestock
protective
committees,
how formed,
terms.

Section 2. Said county livestock protective committee shall upon appointment, and annually thereafter, organize

Organization,
meetings,
minutes public
record.

by election of a chairman and a secretary. Meetings of the committee shall be held at the call of the chairman or any two members of the committee. Minutes of all meetings of the committee shall be kept by the secretary. Such minutes shall be presented at the ensuing meeting of the committee and upon approval thereof shall be signed by the chairman and secretary, and immediately thereafter deposited with the county clerk and recorder, and kept available for public inspection.

Power and
duty of
county
committee.

Section 3. Said county livestock protective committee shall have power, and it is hereby made the duty of such committee, to advise, assist and cooperate with the Montana livestock commission, the board of county commissioners, the sheriff and all other public officials or police officers having duties pertaining to hide and brand inspection, apprehension of livestock rustlers and the prevention of rustling, enforcement of laws governing the movement and sale of livestock, the treatment and prevention of livestock diseases and such other matters as are of interest and value to the livestock industry in the county.

May recom-
mend county
levy on cattle.

Section 4. Said county livestock protective committee may recommend to the board of county commissioners the levy of a tax in an amount not to exceed twenty-five cents (25¢) per head on all cattle in the county over one (1) year old on the first Monday of March and the board of county commissioners shall thereupon be empowered to levy such tax, to be collected as other taxes on personal property, and when collected to be deposited by the county treasurer in a special fund to be known as the stockmen's special deputy fund, together with any other funds made available from county, state, federal or private sources for the purposes of this act.

May recom-
mend appoint-
ment of
special live-
stock deputy.

Section 5. Said county livestock protective committee may recommend to the board of county commissioners the appointment of a special livestock deputy, satisfactory to the Montana livestock commission and the sheriff, whose duties shall be to assist said Montana livestock commission and said sheriff in the enforcement of hide and brand inspection laws, and laws governing the movement and sale of livestock and the treatment and prevention of livestock diseases, laws pertaining to the apprehension of livestock rustlers and the prevention of rustling, and such other

laws as may exist of particular concern to the livestock industry of the county, particularly as to cattle. Such special livestock deputy may receive a commission from the Montana livestock commission and appointment as a deputy from the sheriff of the county, and shall give such bond for the faithful performance of his duties as may be required from officers performing similar duties. Such special livestock deputy shall receive compensation for his services and for mileage traveled in the performance of his duties in an amount set by the board of county commissioners, upon the recommendation of the committee, to be paid from said stockmen's special deputy fund and from the county general fund in the proportions set by the board of county commissioners.

Section 6. Upon receipt of a petition or petitions signed as provided in section 1 of this act, the board of county commissioners may discontinue said county livestock protective committee, provided, however, that such action in discontinuing said committee shall not affect any levy made prior to the receipt of such petition or petitions, and the proceeds of any levy made shall be used for the purposes as in this act set out.

Discontinuance
of committee.

Section 7. The board of county commissioners of any county adjoining a county availing itself of the provisions of this act may co-operate in the administration of this act.

Adjoining
county may
cooperate.

Section 8. Nothing in this act shall be construed to limit or deprive the board of county commissioners to participate in defraying a part of the expense of the administration of this act.

Commissioners
not prevented
from financial
assistance.

Section 9. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing
clause.

Approved March 3, 1953.

CHAPTER 169

An Act to Amend Section 21-106 of the Revised Codes of Montana, 1947, as Amended by Chapter 19 of the Session Laws of Montana, 1949, Relating to the Definition of Such Extreme Cruelty as is Necessary for Obtaining a Divorce and Repealing All Acts and Parts of Acts in Conflict Therewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 21-106 of the Revised Codes of Montana, 1947, as amended by Chapter 19 of the Session Laws of Montana, 1949, be, and the same is hereby amended to read as follows:

"Extreme
cruelty"
defined.

"21-106. **Extreme Cruelty Defined.** Extreme cruelty is *any one of the following acts*:

(1.) The infliction or *threat of infliction* of grievous bodily injury or of bodily injury dangerous to life; or

(2.) The repeated infliction or threat of bodily injury or personal violence upon the other party by one party to the marriage; or

(3.) The repeated publication or utterance of false charges against the chastity of the wife by the husband; or

(4.) The infliction of grievous mental suffering upon the other by one party to the marriage, by a course of conduct towards or treatment of one party to the marriage by the other, existing and persisted in for a period of one (1) year before the commencement of the action for divorce, which justly and reasonably is of such a nature and character as to destroy the peace of mind and happiness of the injured party, or entirely to defeat the proper and legitimate objects of marriage, or to render the continuance of the married relation between the parties perpetually unreasonable or intolerable to the injured party.

Complaint may
be in
statutory
language.

The complainant in such suit may state the grounds for divorce in the words of the statute, but either party may demand a bill of particulars as in other civil cases."

Repealing
clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 3, 1953.

CHAPTER 170

An Act to Amend Section 91-502, Revised Codes of Montana, 1947, Relating to the Vesting of Escheated Property in the State and the Time of Vesting Thereof; Providing a Presumption of Failure of Title; Providing for Payment of Certain Expenses of Escheats by the Treasurer Upon the Judgment of Escheat; Providing for Dis-

covery by the Attorney General; Repealing Acts in Conflict; Providing an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 91-502, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending clause.

“91-502. **Title to Escheated Property Vests in State — When.** Whenever the title to any property, either real or personal, or mixed, fails for *any reason including* want of heirs or next of kin, such title shall vest in the State of Montana immediately upon the death of the owner without an inquest or other proceeding in the nature of office found, and there shall be no presumption that such owner died leaving heirs or next of kin; *provided that in relation to property other than estates, title shall be presumed to have failed whenever the owner, beneficial owner, or person entitled to any such property within this state has been or shall be and remain unknown for a period of twenty (20) successive years, and during such period whenever the whereabouts of such owner, beneficial owner or persons has been or shall be and remain unknown, and during such period whenever any personal property wherever situated has been or shall be and remain unclaimed, then, in such event, such personal property shall escheat to the state.*

When title to escheated property vests in state.

Presumption of failure of title.

All sums escheated under the provisions of the escheated property act shall be deposited by the treasurer in the escheated estates fund; in connection with the recovery of money or property from escheats other than those from estates, the state treasurer is hereby authorized and directed to deduct the costs incurred in reducing such moneys or property to the possession of the State of Montana, which sum shall not exceed five per centum (5%) of the amount so recovered, except for such other costs and fees as the judgment of escheat shall so direct.

Disposition of funds.

Deduction of expenses — limitation.

Moneys and properties placed in the escheated estates fund shall be held in trust for a period of ten (10) years prior to deposit in the public school fund by the state treasurer; such ten (10) year period being a time within which the owner, beneficial owner, or any person having a right, title, or interest in the property or money escheated may make claim upon the escheated estates fund by the

Trust period.

institution of an action for the dissolution of the trust in an amount equal to the full amount or value of the property escheated minus the costs and expenses incident to reducing the same to the possession of the state.

Attorney
general
may obtain
discovery.

In order to ascertain if any person has knowledge of or is in possession of any escheatable property, it shall be lawful for the attorney general or his assistant to obtain discovery on motion in the district court requiring any such person or persons to divulge any information they may have concerning the possession or location of any property subject to escheat, or any other information pertinent to the recovery of such property by the State of Montana or which information may lead to the discovery of such escheatable property."

Repealing
clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective
immediately.

Section 3. The provisions of this act shall be in full force and effect immediately upon its passage and approval.

Approved March 3, 1953.

CHAPTER 171

An Act to Amend Sections 82-303, 82-308 and 82-309 of the Revised Codes of Montana, 1947, Relating to the State Athletic Commission, Its Powers and Duties; Relating to the Control and Jurisdiction Over, and Supervision, Licensing and Regulation of Boxing, Sparring and Wrestling Matches and Exhibitions in the State of Montana; Relating to the Present Admissions Tax and Disposal of Proceeds Thereof for the Purposes Herein Provided; and Repealing Section 94-3513 of the Revised Codes of Montana, 1947, and All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 82-303 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Jurisdiction
over boxing,
wrestling
matches in
commission.

"82-303. The commission shall have, and hereby is invested with, the sole direction, management, and control

and jurisdiction over all boxing, sparring *and wrestling* matches and exhibitions to be conducted, held or given within the state and by any club, corporation or association; and no boxing, sparring *or wrestling* match or exhibition shall be conducted, held or given within the state except pursuant to its authority and in accordance with the provisions of this act. The commission may, in its discretion, issue and at its pleasure revoke, a license to conduct, hold or give boxing, sparring *and wrestling* matches and exhibitions to any club, corporation or association, and which, if it be an amateur athletic association, may be incorporated or organized in accordance with the rules as may be prescribed by the commission. Nothing in this act shall be construed as relating to or prohibiting amateur boxing or wrestling exhibitions conducted in *or* by any regularly organized amateur clubs, schools and gymnasiums. Every license shall be subject to such rules and regulations, and amendments thereof, as the commission may prescribe. Every application for a license, as herein provided for, shall be in writing and shall be addressed to the commission and shall be verified by such officer of the club, corporation or association on whose behalf the application may be made. It shall contain a recital of such facts as, under the provisions hereof, will show the applicant entitled to receive a license, and in addition thereto, such other facts and recitals, as the commission may by rules require to be shown."

Licenses.

Excepting amateurs.

Section 2. That Section 82-308 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending clause.

"82-308. Every club, corporation or association which may hold or exercise any of the privileges conferred by this act, shall, within twenty-four hours after the determination of *any boxing, sparring or wrestling contest or exhibition*, furnish to the commission a written report, duly verified by one of its officers, showing the number of tickets sold for such *boxing, sparring or wrestling contest or exhibition* and the amount of gross proceeds thereof, and such other matters as the commission may prescribe, and shall also within the said time pay to the county treasurer a tax of five per centum (5%) of its total gross receipts *after deducting the federal admission tax if any* from the sale of

Report to commission required.

Fees for veterans' memorial fund, commission expenses.

tickets of admission to such boxing, sparring *or wrestling* match or exhibition, which shall be transmitted to the state treasurer by the county treasurer within a period of ten (10) days after its collection and be applied to the payment of the expenses of the commission, and the salary of the secretary of the commission, as herein provided. And the money so collected shall be paid to the state treasurer to be kept and held in a separate and special fund to be designated *as* the 'veterans' memorial fund', and used exclusively for the purposes herein provided. The *moneys* so received and held by the state treasurer in such special fund shall be used and devoted for the expenses above specified and the balance to be held and retained exclusively for the *use of the veterans' memorial fund commission as prescribed in Section 78-302, Revised Codes of Montana, 1947.* Such funds to be drawn upon and expended only upon proper and legal claims made against the fund, first presented *to* and approved by the state board of examiners. All money in the said fund from time to time may be invested by the state treasurer in any manner provided for by law for the investment of the state *moneys.*"

Investment
of fund.

Amending
clause.

Section 3. That Section 82-309 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Bond for tax
required.

"82-309. Before any license shall be granted to any club, corporation or association to conduct, hold or give any boxing, sparring *or wrestling* match or exhibition, such applicant therefor shall execute and file with the state treasurer a bond in the sum of five thousand dollars (\$5,000.00), payable to the State of Montana, to be approved as to form by the attorney general of the State of Montana, and as to sufficiency of the sureties thereon by the commission, which said bond shall be conditioned upon the payment of the tax hereby imposed. Upon the filing and approving of such bond, the commission shall issue to such applicant a license as hereinbefore provided."

Repealing
section 94-3513,
R.C.M., 1947,
and general
repeal.

Section 4. That Section 94-3513 of the Revised Codes of Montana, 1947, and all acts and parts of acts in conflict herewith are hereby repealed.

Approved March 3, 1953.

CHAPTER 172

An Act Defining and Establishing Standards of Identity for Ice Cream, Low Fat Ice Cream, French Ice Cream, Frozen Custard, French Custard Ice Cream, Low Fat French Ice Cream, Low Fat Frozen Custard, Low Fat French Custard Ice Cream, Ice Milk, Sherbet and Water Ice, and Providing for the Labeling of Such Products; Providing That Frozen Food Products Made in Semblance of Such Dairy Products Which Contain Vegetable Fat or Animal Fat Other Than Milk Fat Shall be Manufactured, Labeled, and Advertised Only in Accordance With This Act; Providing That the Licensing Requirements of Section 3-2416, Revised Codes of Montana, 1947, Apply Hereunder; Providing the Sanitary, Reporting and Other Requirements of Chapter 24 of Title 3, Revised Codes of Montana, 1947, and All Acts Amendatory Thereof, Apply to the Products Covered by This Act and the Persons, Partnerships, Corporations, Firms and Associations Which Manufacture, Store, Handle, Sell, Offer to Sell or Otherwise Deal in Any Way in Any or All of Such Products; Providing the Commissioner of Agriculture Shall Administer and Supervise the Enforcement of This Act and Setting Forth the Method to be Followed by Such Commissioner in Promulgating Rules and Regulations; Providing Penalties for Violation of the Provisions of This Act and of Rules and Regulations Promulgated Hereunder; Providing for Severability of the Provisions of This Act; Repealing All Acts and Parts of Acts in Conflict Herewith; and Providing This Act Shall be in Full Force and Effect From and After Its Passage and Approval.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. **Ice Cream.** (a) Ice cream is the food prepared by freezing, while stirring, a pasteurized mix composed of one or more of the optional dairy ingredients specified in subsection (b) of this section, sweetened with one or more of the optional sweetening ingredients specified in subsection (c) of this section, flavored with one or more of the optional flavoring ingredients specified in subsection (d) of this section. Water may be added and one or more of the optional egg ingredients specified in subsection (e)

Ice cream
defined.

may be used; one or more of the optional stabilizing ingredients specified in subsection (f) may be used; one or more of the optional acidity standardizing ingredients specified in subsection (g) may be used subject to the conditions set forth in subsections (e), (f) and (g), as the case may be.

Harmless coloring may be added.

Standards established.

Harmless coloring may be added. The mix may be seasoned with salt and may be homogenized. The kind and quantity of optional dairy ingredients used, and the content of milk fat and total milk solids shall be such that the weight of milk fat and total milk solids shall be not less than 10% and 20% respectively of the weight of the finished ice cream; except that when one or more of the optional flavoring ingredients specified in sections 1 (d), (4), (5), (6), (7) or (8) are used, then the weight of milk fat and total milk solids shall be not less than 10% and 20% respectively, except for such reduction in milk fat and in total milk solids as is due to the addition of one or more of the optional ingredients specified in section 1 (d), (4), (5), (6), (7) or (8), but in no case shall it contain less than 9% of milk fat nor less than 16% of total milk solids. Ice cream shall contain not less than 1.6 pounds of total food solids per gallon and shall weigh not less than four and one-quarter ($4\frac{1}{4}$) net pounds per gallon.

Optional dairy ingredients enumerated.

(b) The optional dairy ingredients referred to in subsection (a) of this section are cream, dried cream, butter, butter oil, concentrated milk fat, milk, concentrated milk, evaporated milk, sweetened condensed milk, superheated condensed milk, dried milk, skim milk, concentrated (evaporated or condensed) skim milk, superheated condensed skim milk, sweetened condensed skim milk, sweetened condensed partly skimmed milk, nonfat dry milk solids, edible dry whey, cheese whey, sweet cream buttermilk, condensed sweet cream buttermilk, dried sweet cream buttermilk, and any of the foregoing products from which all or a portion of the lactose has been removed after crystallization or the lactose has been converted to simple sugars by hydrolysis. Harmless optional ingredients may be used to prevent fat oxidation in any of the foregoing optional dairy ingredients in an amount not exceeding .005% of the weight of the butterfat present in any such dairy ingredient.

(c) The optional sweetening ingredients referred to in subsection (a) of this section are sugar, liquid sugar, dextrose, invert sugar (paste or syrup), lactose, corn sugar, dried or liquid corn syrup, maple syrup, maple sugar, honey, brown sugar, malt syrup, dried malt extract, molasses (other than blackstrap).

Optional
sweetening
ingredients
enumerated.

(d) The optional flavoring ingredients referred to in subsection (a) of this section are (1) natural food flavoring, (2) artificial food flavoring, (3) fruit juice, which may be fresh, frozen, canned, concentrated or dried and which may be sweetened and thickened with one or more of the optional stabilizing ingredients specified in section 1 (b), (4) chocolate, (5) cocoa, (6) fruit which may be fresh, frozen, canned, concentrated, shredded, pureed, comminuted or dried and which may be sweetened, thickened with stabilizer, and acidulated with citric, tartaric, malic, lactic or ascorbic acid, (7) nut meats, and (8) confectionery.

Optional
flavoring
ingredients.

(e) Liquid eggs, frozen eggs, dried eggs, egg yolks, frozen yolks, dried yolks; but the total weight of egg yolk solids in any such ingredient used singly, or in combination of two or more such ingredients used, is less than the minimum prescribed by section 3 for French ice cream.

(f) The optional stabilizing ingredients specified in subsection (a) of this section are gelatin, algin, extractive of Irish moss, psyllium seed husk, agar-agar, gum acacia, gum karava, locust bean gum, gum tragacanth, cellulose gum, guar seed gum, monoglycerides or diglycerides or both of fat forming fatty acids or other harmless stabilizers or emulsifiers; but the total weight of the active material contained in the solids of any such ingredients used singly, or of any combination of two or more such ingredients used, shall be not more than 0.5% of the weight of the finished ice cream.

Optional
stabilizing
ingredients.

(g) The following harmless optional ingredients or combination of such ingredients may be added to control viscosity, adjust protein stability and adjust pH of the combined mix ingredients:

Additional
optional
ingredients.

- (1) Sodium bicarbonate
- (2) Magnesium oxide as such or as carbonate or hydroxide
- (3) Calcium oxide as such or as hydroxide or succinate

(4) Sodium citrate

(5) Sodium phosphates

Standards.

The total of ingredients (1) through (3) shall not exceed 0.1% by weight of the finished mix; nor shall the weight of ingredients (4) and (5) exceed 0.2% by weight of the finished mix.

The percentage of developed lactic acid in the mix prior to the addition of the above listed optional ingredients shall not exceed 0.003% by weight for each one per cent (1%) of milk-solids-not-fat present in the mix.

Low fat ice cream standards established.

Section 2. **Low Fat Ice Cream.** Low fat ice cream shall conform to the definition and standard of identity prescribed for ice cream by section 1, except that it shall contain not less than 5% but not more than 9.99% of milk fat and not less than 15% total milk solids and except that it shall contain not less than 1.5 pounds of food solids per gallon.

French ice creams — standards established.

Section 3. **French Ice Creams.** French ice cream, frozen custard, French custard ice cream, low fat French ice cream, low fat frozen custard and low fat French custard ice cream shall conform to the definition and standard of identity prescribed for ice cream or low fat ice cream by sections 1 and 2, except that one or more of the optional egg ingredients permitted by section 1 shall be used in such quantity that the total weight of egg yolk solids therein shall be not less than 1.4% of the weight of the finished product, except that when any of the optional flavoring ingredients specified in section 1 (d) (4), (5), (6), (7) or (8) is used; in which case the weight of egg yolk solids shall be not less than 1.12% of the weight of the finished product.

Section 4. **Ice Milk.** Ice milk shall conform in all respects to the definition and standard of identity for ice cream prescribed in section 1, except that it shall contain not less than 2% but not more than 4.99% of milk fat and not less than 11% total milk solids and except that it shall contain not less than 1.3 pounds of food solids per gallon.

Sherbet, defined — standards established.

Section 5. **Sherbet.** Sherbet is the food prepared by freezing, while stirring, a mix composed of water, one or

a combination of the optional pasteurized dairy ingredients specified in section 1 (b), one or more of the optional sweetening ingredients specified in section 1 (c), fruit, fruit juice or flavoring as hereinafter provided. It may contain one or more of the optional stabilizing ingredients specified in section 1 (f) provided the weight of such stabilizer is not more than .5% of the weight of the finished sherbet. The kind and quantity of optional dairy ingredients used shall be such that the total milk solids content shall be not more than 5% by weight of the finished sherbet and the milk fat content shall be not more than 2% by weight of the finished sherbet. It shall contain fruit or fruit juice as described in section 1 (d) (3) and section 1 (d) (6), natural or artificial food flavoring. It may contain citric, tartaric, malic, phosphoric or lactic acid. The acidity of the finished sherbet shall be not less than 0.35% of acid as determined by titrating with standard alkali and expressed as lactic acid. It shall weigh not less than six pounds per gallon.

Section 6. **Water Ice.** Water ice shall conform in all respects to the definition and standard of identity for sherbet prescribed in section 5 except that it shall not contain any of the optional dairy ingredients and consequently shall not meet the provision respecting total milk solids and butterfat.

Water ice defined.

Section 7. **Labeling.** No person shall label, designate, advertise, offer for sale, or sell any frozen food product as ice cream, low fat ice cream, French ice cream, frozen custard, French custard ice cream, low fat French ice cream, low fat frozen custard, low fat French custard ice cream, ice milk, sherbet or water ice unless such frozen food product conforms to the definition and standard of identity established hereinabove for ice cream, low fat ice cream, French ice cream, frozen custard, French custard ice cream, low fat French ice cream, low fat frozen custard, low fat French custard ice cream, ice milk, sherbet or water ice.

Improper labeling forbidden.

Section 8. **Animal Fat — Vegetable Fat or Oil — Labeling.** Any frozen food product which is made in semblance of or in imitation of the dairy products hereinbefore enumerated which contains, in whole or in part, animal fat (other than milk fat) or vegetable fat or oil

Animal fat — vegetable fat or oil labeling required.

in any amount (other than any such fat or oil which is naturally present in any flavoring ingredient specified in section 1 (d)) shall be labeled and designated as a frozen animal fat product or frozen vegetable fat product, or a combination thereof, whichever the case may be. Such vegetable fat product, or animal fat product, or any combination thereof, shall be manufactured from a pasteurized mix. All establishments, creameries, or factories which manufacture, sell or offer to sell such animal fat or vegetable fat products, or any combination thereof, shall be subject to the sanitary, reporting and other regulatory requirements of Chapter 24 of Title 3, Revised Codes of Montana, 1947. No representations shall be made or suggested by statement, word, grade designation, design, device, symbol, sound or any combination thereof on any package or container or in or on any advertising media that such animal fat or vegetable fat product, or any combination thereof, is ice cream, French ice cream, frozen custard, French custard ice cream, low fat ice cream, low fat French ice cream, low fat frozen custard, low fat French custard ice cream, ice milk, sherbet or water ice. The immediate container shall be plainly marked, stamped, labeled or printed in plain, bold-faced letters, with the words, "animal fat product," "vegetable fat product," "animal-vegetable fat product," or "vegetable-animal fat product," whichever the case may be, and shall bear thereon the common or usual name of each of the ingredients therein, including the fats or oils, except that spices, flavorings and colorings may be designated as spices, flavorings and colorings without naming each.

License
required.

Section 9. **License as Required by Section 3-2416.** It shall be unlawful for any person, persons, partnership, corporation, firm or association to manufacture any product hereinbefore mentioned, including frozen animal fat or vegetable fat products, or combinations thereof, without first securing a license from the department of agriculture of the State of Montana at the gallonage rate prescribed by Section 3-2416, Revised Codes of Montana, 1947, and acts amendatory thereof.

Sanitary
requirements.

Section 10. **Sanitary Requirements.** All products hereinbefore mentioned, and all persons, partnerships, corporations, firms and associations which manufacture, store, handle, sell, offer to sell, or otherwise deal in any way in

any or all of the products hereinbefore mentioned are hereby specifically declared to be subject to all the sanitary and other requirements prescribed for dairy products and manufacturing plants by Chapter 24 of Title 3, Revised Codes of Montana, 1947, and all acts amendatory thereof, save and except the definitions contained in Section 3-2404, Revised Codes of Montana, 1947, which are hereby superseded and declared to be of no force or effect insofar as they relate to the products defined herein.

Section 11. **Commissioner of Agriculture to Enforce Act and to Promulgate Rules and Regulations.** The commissioner of agriculture is hereby authorized and directed to administer and supervise the enforcement of this act and to promulgate and enforce all reasonable rules and regulations, exclusive of rules and regulations to establish definitions and standards of identity for any of the products hereinbefore mentioned, in aid of and consistent with this act to carry out its purpose. Every such new or amended rule or regulation shall be mailed, postage prepaid and properly addressed, to every person, partnership, corporation, firm or association licensed hereunder at least forty-five (45) days prior to the date on which the rule or regulation shall become effective. Upon application in writing filed at least fifteen (15) days before the effective date of such rule or regulation by any person, partnership, corporation, firm or association licensed hereunder, the commissioner of agriculture shall vacate the effective date of such proposed rule or regulation and hold a public hearing on and take evidence concerning the proposed rule or regulation. Within thirty (30) days after the conclusion of such hearing the commissioner of agriculture shall make written findings and conclusions and a written decision based thereon, determining whether such proposed new or amended rule or regulation shall be promulgated. No new or amended rule or regulation promulgated following such a hearing and decision shall take effect until ninety (90) days after the date of such decision. The district court of the first judicial district shall have jurisdiction to review, modify or set aside any such decision promulgating a new or amended rule or regulation under this act, upon petition made to it at any time prior to the effective date of such rule or regulation by any person claiming to be adversely affected by such decision.

Commissioner
of agriculture
— enforcement
of act —
rule and
regulation
power,
procedure
and review.

Rules and regulations promulgated hereunder shall have the force and effect of law, and violation of any of such rules and regulations shall constitute a misdemeanor, punishable as provided in section 12 of this act.

Inspections and
investigations
— seizure
power.

The commissioner of agriculture is further authorized and directed to provide for such periodic inspections and investigations as he may deem necessary to disclose violations; to receive and provide for the investigation of complaints; and to provide for the institution and prosecution of civil or criminal actions or both. The provisions of this act and the rules and regulations issued in connection herewith may be enforced by injunction in any court having jurisdiction to grant injunctive relief, and adulterated or misbranded articles illegally held or otherwise involved in a violation of this act or of said rules and regulations shall be subject to seizure and disposition in accordance with an order of court.

Penalty.

Section 12. **Penalty.** Any person, firm or corporation who either directly or indirectly, or by his or its servant, agent or employee, shall violate any of the provisions of this act, or of the rules and regulations promulgated hereunder, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than two hundred dollars (\$200.00) or by imprisonment in the county jail for not more than sixty (60) days, or by both such fine and imprisonment; provided, however, that nothing in this act shall be construed as requiring the commissioner of agriculture to institute criminal prosecution under this act for minor violations whenever he believes the public interest will be adequately served in the circumstances by a suitable written notice or warning.

Severability.

Section 13. **Severability.** If any section, subdivision or sentence of this act is determined by a court of competent jurisdiction to be unconstitutional, it shall not affect the remaining portions of this act.

Repealing
clause.

Section 14. **Repealing Clause.** All acts and parts of acts in conflict herewith are hereby repealed.

Effective
immediately.

Section 15. **Effective Date.** This act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1953.

CHAPTER 173

An Act to Amend Section 75-4405, Revised Codes of Montana, 1947, Relating to Establishment of Junior College Upon Approval of Electors, to Provide for Discontinuance or Abolition of Junior Colleges.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 75-4405 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending clause.

“75-4405. **Establishment of Junior College Upon Approval of Electors.** If a majority of the votes cast at any election provided for in this act be in favor of the establishment of a junior college, the county or district high school board shall proceed to establish such junior college in the following manner: Not later than September first of the first year in which such junior college is proposed to be established, the county or district high school board shall apply to the superintendent of public instruction for permission to open such junior college, and shall accompany such application with a full statement of the curricula to be maintained and an application on behalf of the high school to be classified as a junior college. If the state superintendent of public instruction approves the application, he shall so notify the state board of education, which shall finally approve or disapprove of the establishment of such proposed junior college, and shall promptly notify the county or district high school board of its action. Upon receiving the final approval of the state board of education, the county or district high school boards shall have authority to proceed with the establishment and operation of such junior college. *County high school boards or district high school boards may suspend the operation of a junior college, when established in the district or county, or may abolish a junior college when such board deems such discontinuance or abolishment to be for the best interests of the pupils and community. The above action may be taken by the high school board upon its own volition or after a petition has been presented to it signed by twenty per cent (20%) of the qualified electors of the district; provided, however, that the matter of discontinuance for one or more years, or of abolition of the junior*

Junior college may be established by election — procedure.

Suspension of operation and discontinuance by high school boards — procedure.

college, shall be put to a vote of the qualified electors of the district when so requested in a petition signed by twenty-five per cent (25%) of such electors."

Repealing
clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective
immediately.

Section 3. This act shall be in full force and effect on and after its passage and approval.

Approved March 3, 1953.

CHAPTER 174

An Act to Amend Section 54-101 of the Revised Codes of Montana, 1947, as Amended by Chapter 12 of the Laws of the Legislative Assembly of Montana of 1949, Defining the Term "Narcotic Drugs," and to Amend Section 54-108 of the Revised Codes of Montana, 1947, Relating to Preparations Exempted From the Restriction Against the Sale of Narcotic Drugs.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 54-101 of the Revised Codes of Montana, 1947, as amended by chapter 12 of the laws of the legislative assembly of Montana of 1949 be, and the same is hereby amended to read as follows:

Terms
defined.

"54-101. **Definitions, Words and Phrases.** The following words and phrases, as used in this act shall have the following meanings, unless the context otherwise requires:

"(1) 'Person' includes any corporation, association, co-partnership, or one or more individuals.

"(2) 'Physician' means a person authorized by law to practice medicine in this state and any other person authorized by law to treat sick and injured human beings in this state and to use narcotic drugs in connection with such treatment.

"(3) 'Dentist' means a person authorized by law to practice dentistry in this state.

"(4) 'Veterinarian' means a person authorized by law to practice veterinary medicine in this state.

“(5) ‘Manufacturer’ means a person who by compounding, mixing, cultivating, growing, or other process, produces or prepares narcotic drugs, but does not include an apothecary who compounds narcotic drugs to be sold or dispensed on prescriptions.

“(6) ‘Wholesaler’ means a person who supplies narcotic drugs that he himself has not produced or prepared, on official written orders, but not on prescription.

“(7) ‘Apothecary’ means a licensed pharmacist as defined by the laws of this state and, where the context so requires, the owner of a store or other place of business where narcotic drugs are compounded or dispensed by a licensed pharmacist; but nothing in this act shall be construed as conferring on a person who is not registered nor licensed as a pharmacist any authority, right, or privilege, that is not granted to him by the pharmacy laws of this state.

“(8) ‘Hospital’ means an institution for the care and treatment of the sick and injured, approved by the secretary of the state board of health as proper to be entrusted with the custody of narcotic drugs and the professional use of narcotic drugs under the direction of a physician, dentist, or veterinarian.

“(9) ‘Laboratory’ means a laboratory approved by the secretary of the state board of health as proper to be entrusted with the custody of narcotic drugs and the use of narcotic drugs for scientific and medical purposes and for purposes of instruction.

“(10) ‘Sale’ includes barter, exchange, or gift or offer therefor, and each such transaction made by any person, whether as principal, proprietor, agent, servant or employee.

“(11) ‘Coca leaves’ includes cocaine and any compound, manufacture, salt, derivative, mixture, or preparation of coca leaves, except derivatives of coca leaves which do not contain cocaine, ecgonine, or substances from which cocaine or ecgonine may be synthesized or made.

“(12) ‘Opium’ includes morphine, codeine, and heroin, and any compound, manufacture, salt, derivative, mixture or preparation of opium, but does not include apomorphine or any of its salts.

“(13) ‘Cannabis’ includes all parts of the plant *cannabis sativa* L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin, but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, or any other compound, manufacture, salt, derivative, mixture or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination.

Additional
narcotics may
be added — by
federal law or
state board
of health.

“(14) ‘Narcotic drugs’ means coca leaves, opium, cannabis, marihuana, Indian hemp, isonipecaine, amidone, isoamidone, keto-bemidone, and every substance neither chemically nor physically distinguishable from them; *any other drugs to which the federal narcotic laws may now apply; and any drug found by the state board of health, after reasonable notice and opportunity for hearing, to have an addiction-forming or addiction-sustaining liability similar to morphine or cocaine, from the effective date of determination of such finding by said state board of health.*

“(15) ‘Isonipecaine’ means any substance identified chemically as 1-methyl-4-phenyl-piperidine-4-carboxylic acid ethyl ester, or any salt thereof by whatever trade name designated.

“(16) ‘Amidone’ means any substance identified chemically as (4-4-diphenyl-6-dime thylamino-heptanone-3), or any salt thereof, by whatever trade name designated.

“(17) ‘Isoamidone’ means any substance identified chemically as (4-4-diphenyl-5-methyl-6-dimethylamino-hexanone-3), or any salt thereof, by whatever trade name designated.

“(18) ‘Keto-bemidone’ means any substance identified chemically as (4-(3-hydroxyphenyl)-1-methyl-4-piperidyl ethyl ketone hydrochloride) or any salt thereof, by whatever trade name designated.

“(19) ‘Federal narcotic laws’ means the laws of the United States relating to opium, coca leaves, and other narcotic drugs.

“(20) ‘Official written order’ means an order written on a form provided for that purpose by the United States commissioner of narcotics, under any laws of the United States making provision therefor, if such order forms are authorized and required by federal law, and if no such order form is provided, then on an official form provided for that purpose by the secretary of the state board of health.

“(21) ‘Dispense’ includes distribute, leave with, give away, dispose of, or deliver.

“(22) ‘Registry number’ means the number assigned to each person registered under the federal narcotic laws.”

Section 2. That Section 54-108, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending
clause.

“54-108. **Preparations Exempted.** Except as otherwise in this act specifically provided, this act shall not apply to the following cases:

Preparations
exempted.

“Administering, dispensing, or selling at retail any medicinal preparation that contains in one fluid ounce, or if a solid or semisolid preparation, in one avoirdupois ounce, not more than one grain of codeine or of any of its salts, *or not more than one-sixth grain of dihydrocodeinone or any of its salts.*

Limitation on
exemption.

“The exemption authorized by this section shall be subject to the following conditions: (1) that the medicinal preparation administered, dispensed, or sold, shall contain, in addition to the narcotic drug in it, some drug or drugs conferring upon it medicinal qualities other than those possessed by the narcotic drug alone; and (2) that such preparation shall be administered, dispensed, and sold in good faith as a medicine, and not for the purpose of evading the provisions of this act.

“Nothing in this section shall be construed to limit the quantity of codeine or of any of its salts that may be prescribed, administered, dispensed, or sold, to any person or for the use of any person or animal, when it is prescribed, administered, dispensed, or sold, in compliance with the general provisions of this act.”

Approved March 3, 1953.

CHAPTER 175

An Act Relating to the Creation of the Interim Committee to Investigate Subversive and Un-American Activities in the State of Montana; Providing for the Powers of Said Committee, and the Rules Governing Its Conduct; and Appropriating Funds for the Expenses Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

**Purpose
of act.**

Section 1. The purpose of this act is to provide for an interim committee to investigate subversive and un-American activities in the State of Montana.

**Interim
committee to
investigate
subversive and
un-American
activities
created —
composition,
term.**

Section 2. There is hereby created "the interim committee to investigate subversive and un-American activities" which shall consist of two (2) members of the house of representatives who shall be appointed by the speaker of the house of representatives, no more than one (1) of whom shall be of the same political party, and two (2) members of the state senate who shall be appointed by the committee on committees of the state senate, each of whom shall be of a different political party. The appointed members shall appoint one of their number to act as chairman. The members of this committee shall be appointed not later than the sixtieth legislative day, and shall hold their office until the last day of the regular session of the legislature next succeeding such appointment.

**Powers and
duties.**

Section 3. The interim committee shall have the following powers and duties:

(1) To hold hearings, issue subpoenas and require the attendance of any person or persons to testify under oath;

(2) To employ such personnel as it deems necessary to assist in the stenographic recording of hearings and in the preparation of its recommendations, statistics, proposed legislative acts and any other of its activities and to fix the compensation of such employees;

(3) To incur such expenses as may be necessary to properly make its investigations, not exceeding the amount hereinafter appropriated;

(4) All members of the committee shall receive actual traveling and other expenses incurred in the discharge of their duties, including attendance at meetings.

Section 4. The interim committee shall be confined to and guided by the following rules of procedure:

Rules of
procedure
established.

(1) That in the conduct of the committee, in both public and private sessions, witnesses shall be permitted to have counsel when they so desire;

(2) That committee and subcommittee reports shall not be made public until they are approved by a majority of the full committee;

(3) That executive sessions shall precede open sessions, for the purpose of determining whether witnesses are willing to answer direct and pertinent questions; that at such executive sessions the committee shall seek to determine in advance whether any new names are likely to be mentioned, to the end that such names not be made public except by committee action in those cases where the public interest so requires;

(4) That individuals who have been accused in open hearings shall receive, on request, an opportunity to testify openly before the committee. When they so request, they shall be served with subpoenas, which would permit the committee to defray their expenses in coming to testify;

(5) That accused individuals, or their counsel, shall be permitted to ask a reasonable number of pertinent questions of their accusers, by submitting these questions to the chairman and having the questions asked by the chairman, or by committee counsel, and presenting evidence pertinent to the inquiry;

(6) That witnesses shall receive the opportunity to make a written or oral statement in their own behalf when they have finished the usual questioning;

(7) That the committee take under advisement the feasibility and desirability of excluding certain types of information media (radio, television, newsreels, etc.) from open hearings;

(8) That an accurate stenographic record of any public hearing or of any executive hearing that is made public should be made available to a witness or his counsel when requested;

(9) That all persons named in public hearings, or in committee statements to the press, shall upon their request,

have the right to appear before the committee with the same rights as witnesses.

Appropriation. Section 5. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of five thousand dollars (\$5,000.00) for the purposes of this act. Such appropriation shall be valid upon the final passage and approval of this act.

Repealing clause. Section 6. All acts and parts of acts in conflict herewith are hereby repealed.

Section 7. This act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1953.

CHAPTER 176

An Act to Amend Sections 31-205, as Amended by Chapter 158 of the Laws of 1949, 68-701, 75-2708, 79-303, 79-304, 79-305, 79-1201, 79-1202, 79-1203, 79-1206, 79-1208, 79-1209, 79-1211, 79-1213, 79-1214, 79-1216, 92-1112, of the Revised Codes of Montana of 1947, Relating to Investment of Funds of the State of Montana and Providing for a Uniform Plan of Investing Funds of the State of Montana and the Departments, Agencies and Institutions Thereof and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause. Section 1. That Section 31-205 of the Revised Codes of Montana of 1947, as amended by chapter 158 of the laws of 1949, be, and the same is hereby amended to read as follows:

Payments into highway patrol retirement fund. "31-205. Payments Into the **Montana Highway Patrolmen's Retirement Fund** — *Investment.* All appropriations made by the State of Montana, all contributions by members of the Montana highway patrol, in the amount hereinafter specified, and all interest on and increase of the investments and moneys under this account shall be paid to the state treasurer, who shall credit said payments to the Montana highway patrolmen's retirement fund. Whenever there is on deposit in the Montana highway

patrolmen's retirement fund a sum in excess of twenty-five thousand dollars (\$25,000.00), such excess will be invested by the *state board of land commissioners as part of the long term investment fund and any of the fund less than twenty-five thousand dollars (\$25,000.00) in amount shall be invested by the state board of land commissioners as part of the short term investment fund when so directed by the Montana highway patrolmen's retirement board.*"

Land board
to invest.

Section 2. That Section 68-701 of the Revised Codes of Montana of 1947, be, and the same is hereby amended to read as follows:

Amending
clause.

"68-701. **Management of Retirement Fund.** The retirement fund shall be managed as follows:

Management of
retirement
fund.

"(a) The board of administration shall have exclusive control of the administration of said fund *except as otherwise provided.*

"(b) *The said fund shall be invested by the state board of land commissioners as part of the long term investment fund.*

Land board
to invest.

"(c) The board of administration shall deposit monthly in the state treasury all amounts received by it as provided in this section and section 68-1307.

"(d) The state treasurer shall be custodian of the retirement fund, subject to the exclusive control of the board of administration as to the administration thereof *and the state board of land commissioners as to the investment thereof.* All payment from said fund shall be made by him only upon vouchers signed by two (2) board members designated by the board of administration. A duly attested copy of a resolution of the board of administration designating such persons and bearing on its face specimen signatures of such persons shall be filed with the treasurer as his authority for making payments upon such vouchers. No voucher shall be drawn unless it has previously been authorized by resolution of the board of administration.

"(e) Interest earned on any cash deposit in a bank by the state treasurer and income on other assets constituting a part of the said fund shall be paid into said fund as received. Income, of whatever nature, earned on the retirement fund during any fiscal year, in excess of the

interest credited to contributions during said year shall be retained in said fund as a reserve against deficiencies in interest earned in other years, losses under investments, and other contingencies.

“(f) Except as herein provided, no member and no employees of the board of administration shall have any interest direct, or indirect, in the making of any investment, or in the gains of profits accruing therefrom. And no member or employee of the said board directly or indirectly, for himself or as an agent or partner of others, shall borrow any of its funds or deposits, nor shall any such member or employee in any manner use the same except to make such current and necessary payments as are authorized by said board; nor shall any member or employee of said board become an indorser or surety as to, or in any manner an obligor for investments by the board.

“(g) The normal rates of contribution of members shall be based on sex and the age at the nearest birthday at the time of entrance into the retirement system. The normal rates of contribution shall be such as will provide an average annuity at age sixty-five (65) equal to one one hundred-fortieth ($1/140$) of the final compensation of members, according to the tables adopted by the board, for each year of service rendered after entering the system. Nothing in this section shall prevent the adoption of one (1) schedule of rates for males and one (1) schedule for females.

“(h) The actual amount of annuity receivable by any member upon retirement shall be the actuarial equivalent of his accumulated contributions, as provided in subdivisions (a) and (k) of section 68-1307.

“(i) The board of administration shall certify to the head of each office or department of the state and to the registrar of the university the normal rate of contribution as provided in this act for each member in such office, department, or the university, respectively. The head of each office or department of the state shall apply such rate of contribution to so much of the compensation of each member as does not exceed four hundred sixteen dollars and sixty-six cents (\$416.66), per month and shall certify to the state auditor on each and every pay roll the

amount to be contributed and shall furnish immediately to the board of administration a copy of each and every such payroll; and each such amount shall be deducted by the head of each office or department and shall be remitted to the board. The registrar of the university shall apply the rate of contribution certified to him by the board to so much of the compensation of each member employed by the university as does not exceed four hundred sixteen dollars and sixty-six (\$416.66) per month, and the contributions so determined shall be deducted by the registrar of the university from the compensation of each such member; each such amount shall be remitted to the board and the registrar of the university shall furnish to the board a copy of each and every salary roll and pay roll from which such amounts have been deducted. Each contribution deducted and remitted to the board shall be credited by the board, together with regular interest, to an individual account of the member for whom the contribution was made. Payment of salaries or wages less such contribution shall be full and complete discharge and acquittance of all claims and demands whatsoever for the service rendered by members during the period covered by such payment, except their claims to the benefits to which they may be entitled under the provisions of this act.

“(j) The board of administration shall certify to the city clerk, or other officer designated by the legislative body, of each contracting city the rate of contribution as provided in this act for each member included under the retirement system respectively. The city clerk, or other officer, shall apply the rate of contribution certified to him by the board to so much of the compensation of each member included in the retirement system as does not exceed four hundred sixteen dollars and sixty-six cents (\$416.66) per month, and the contribution so determined shall be deducted by the city clerk, or other officer, from the compensation of each such member; each such amount shall be remitted to the board and the city clerk or other officer, shall furnish to the board a copy of each and every salary roll and pay roll from which such amounts have been deducted. Each contribution deducted and remitted to the board shall be credited by the board, together with regular interest, to an individual account of the member for whom the contribution was made. Payment of salaries

or wages less such contribution shall be full and complete discharge and acquittance of all claims to the benefits to which they may be entitled under the provisions of this act.

“(k) Subject to the rules and regulations to be established and promulgated by the board of administration, any member may elect to contribute at rates in excess of those provided for in subsection (i) and (j) of this section of this act, for the purpose of providing additional benefits, but the exercise of this privilege by a member shall not place on the state or contracting city any additional financial obligation. The provisions of subdivision (f) and (g) of section 68-203 shall apply also to additional contributions. The board, upon application shall furnish to such member information concerning the nature and amount of additional benefits to be provided by such additional contributions.

“(l) In addition to the contributions hereinbefore provided to be paid by employees who are members of the retirement system created by this act, every such employee shall pay an annual membership fee of one dollar (\$1.00) which amount, together with other moneys appropriated for that purpose, shall be used for the support of the board of administration.

“(m) Should the state service of a member be discontinued otherwise than by death or retirement, he shall after the date of discontinuance, be paid such part of his accumulated contributions as he demands, except that if the member is credited with less than ten (10) years of state service and, in the opinion of the board of administration is permanently separated from state service by reason of such discontinuance, he shall be paid forthwith ninety per centum (90%) of his accumulated contributions without interest. The board may, in its discretion, withhold for not more than one (1) year after a member last rendered state service all or part of his accumulated normal contributions if after a previous discontinuance of state service he withdrew all or part of his accumulated normal contributions and failed to redeposit such withdrawn amount in the retirement fund as provided in subsection (n).

“(Any member with ten (10) or more years of service, whose service is discontinued otherwise than by death or

retirement, shall have the right to elect within ninety (90) days after such termination of service, and without right or revocation, whether to allow his accumulated contributions to remain in the retirement fund. Upon the qualification for retirement by reason of age or disability of a member who has elected to allow his accumulated contributions to remain in the retirement fund, he shall receive a retirement allowance in accordance with the provisions of section 68-901, exclusive of sub-paragraph (g) of section 68-901.

“(n) Any member may redeposit in the retirement fund, in one sum or in not to exceed twelve (12) monthly or twenty-four (24) semi-monthly payments, an amount equal to that which he withdrew therefrom at the last termination of his membership, subject to minimum monthly or semi-monthly payments as fixed by the board of administration. If a member, upon re-entering the retirement system after a termination of his membership, does not elect to make or, having so elected, subsequently does not make such redeposit, he shall re-enter as a new member without credit for any service except the prior service credited to him before said termination, and the rate of his contribution for future years shall be the normal rate provided for in this act at his age of re-entrance; otherwise his rate of contribution for future years shall be the same as his rate prior to the last termination of his membership, and his membership shall be the same as if unbroken by such last termination. Regardless of whether such redeposit is made, the documents held by the retirement system as executed by said member prior to termination of membership shall be held by the system for the same purposes as prior to said termination, and beneficiaries nominated in such documents shall continue unchanged until changed as provided herein.”

Section 3. That Section 75-2708 of the Revised Codes of Montana of 1947, be, and the same is hereby amended to read as follows:

Amending
clause.

“75-2708. **Management of Funds.** (1) The retirement board shall be the trustees of the several funds created by this act and *the same shall be invested and reinvested by the state board of land commissioners as part of the long term investment fund.*

Management
of funds —
investment by
state land
board.

“(2) The retirement board annually shall allow regular interest on the average amount for the preceding year in each of the funds with the exception of the expense fund. The amounts so allowed shall be due and payable to said funds and shall be annually credited thereto by the retirement board from interest and other earnings on the moneys of the retirement system. Any additional amount required to meet the interest on the funds of the retirement system shall be paid by the state during the ensuing year and any excess of earning over such amount required shall be deductible from the amounts to be contributed by the state during the ensuing year. Regular interest shall mean such per centum rate to be compounded annually as shall be determined by the retirement board on the basis of the interest earnings of the system for the preceding year and of the probable earnings to be made, in the judgment of the board, during the immediate future.

“(3) The state treasurer shall be the custodian of the several trust funds and of the securities in which said funds are invested. All payments from said funds shall be made by him only upon vouchers signed by two (2) persons designated by the retirement board. A duly attested copy of a resolution of the retirement board designating such persons and bearing on its face specimen signatures of such persons shall be filed with the treasurer as his authority for making payments upon such vouchers. No voucher shall be drawn unless it has previously been authorized by resolution of the retirement board.

“(4) Except as herein provided no member of the retirement board and no employee of the board shall have an interest, direct or indirect, in the gains or profits of any investment of funds as provided herein, nor as a member of the board directly or indirectly, receive any pay or emolument for his services. No member of the said board or employee thereof shall directly or indirectly for himself or as an agent in any manner use the funds or deposits of the retirement system except to make such current and necessary payments as are authorized by the retirement board; nor shall any member or employee of the board become an endorser or surety or in any manner an obligor for moneys loaned by or borrowed from the retirement board.”

Section 4. That Section 79-303 of the Revised Codes of Montana of 1947, be, and the same is hereby amended to read as follows:

Amending
clause.

“79-303. (182.1) *Surplus State Funds to be Invested.* The state depository board shall authorize and direct the state treasurer to turn over to the state board of land commissioners for investment as part of the short term investment fund any surplus cash in his office. All interest received as a result of such investment shall be credited to the general fund of the State of Montana.”

Surplus state
funds to be
invested by
state land
board.

Section 5. That Section 79-304 of the Revised Codes of Montana of 1947, be, and the same is hereby amended to read as follows:

Amending
clause.

“79-304. **State Depository Board to Invest Money in State Bond Sinking and Interest Funds.** Whenever there is any money in any *sinking and interest fund for any state bonds or other obligations issued by the State of Montana or any agencies thereof*, either now existing or hereafter created and established, which is not required for the immediate payment of principal or interest of *any state bonds or other obligations issued by the State of Montana or any agencies thereof*, or which cannot be used for the payment and redemption of *such bonds or obligations* outstanding because of the same not being then redeemable under the option provisions contained therein, the state depository board is hereby *directed and empowered to cause the same to be invested by the state board of land commissioners as part of the short term investment fund*; provided, however, that none of such moneys will be invested in bonds or securities except as will be called in and paid at least fifteen (15) days prior to the time such moneys are required for payment of principal and interest of such outstanding state bonds *or obligations* to which such sinking and interest fund belongs, or the time when such moneys can be used for such purpose because of the optional date provided for in the bonds *or obligations* having arrived.”

Depository
board to cause
investment
by land board
of money in
bond sinking
and interest
funds.

Section 6. That Section 79-305 of the Revised Codes of Montana of 1947, be, and the same is hereby amended to read as follows:

Amending
clause.

“79-305. (270) **Investment of Special Funds.** The state board of examiners is hereby *directed and empowered to*

Board of
examiners
to cause
investment of
funds under
their control.

cause to be invested as part of the long term investment fund or the short term investment fund, depending upon when the principal of such funds may be required, all funds under their direction and control not immediately needed."

Amending
clause.

Section 7. That Section 79-1201 of the Revised Codes of Montana of 1947, be, and the same is hereby amended to read as follows:

Unified
investment
plan.

"79-1201. (5668.19) *Unified Investment Plan for Investment Funds.* This section shall be regarded as a general explanation of the main features of this act. The term unified investment plan as used in this act shall denote the investment and administration by the state board of land commissioners of the various funds which it is authorized to invest and administer under the provisions of this act, and under the provisions of article XXI of the constitution of the state. *There shall be three investment funds known and designated as the Montana trust and legacy fund, the long term investment fund and the short term investment fund. Under the Montana trust and legacy fund* all securities purchased and all cash on hand will belong jointly to the funds invested; they will share the interest collected on the same basis, and losses if any will automatically distribute themselves pro-rata over all the funds; but each fund will maintain its separate existence; all receipts for each fund including its share of the interest collected will be added to that fund, and every payment made will be deducted from the proper fund."

Three funds:
1. Montana
trust and
legacy fund;
2. Long term
investment
fund;
3. Short term
investment
fund.

Amending
clause.

Section 8. That Section 79-1202 of the Revised Codes of Montana of 1947, be, and the same is hereby amended to read as follows:

Funds to be
invested under
uniform plan.

"79-1202. (5668.20) **Funds to Be Invested According to Unified Plan.** (1) The state board of land commissioners is hereby authorized and required to invest as part of the *Montana trust and legacy fund* the following: *The public school permanent fund, the other permanent funds originating in land grants from the United States for the support of higher institutions of learning, and for other state institutions of learning, subject to investment; the escheated estates fund, meaning all of the various sums paid over to the state treasurer from estates escheated or escheating to the state which have not been transferred to*

Trust and
legacy fund —
content and
permissive
investments.

the public school permanent fund; all funds arising from any donation, gift, grant, bequest or devise for the support, maintenance or benefit of any institution of learning or any institution supported in whole or in part by the State of Montana and not intended for immediate use but subject to long term investment and not legally in the custody of any lawfully constituted board, unless some other investment agency has been designated by the donor or by statute; all funds which become parts of the Montana trust and legacy fund under the provisions of article XXI of the constitution; and all other public funds of the state subject to long-term investment not legally in the custody of any lawfully constituted board *or the investment of which has not been designated by statute. Moneys in the Montana trust and legacy fund shall be invested subject to the provisions, regulations and limitations of sections 81-1001 to 81-1008, inclusive. (2) The state board of land commissioners is hereby authorized and required to invest in the long term investment fund the following: That part of the Montana highway patrolmen's retirement fund in excess of twenty-five thousand dollars (\$25,000); the public employees' retirement fund; the industrial accident reserve fund; all funds subject to investment as designated by the teachers' retirement board; that part of the fish and game fund designated as available by the Montana fish and game commission and all other funds designated by statute. Moneys in the long term investment fund may be invested as follows:*

“(a) In or upon securities which are direct obligations of the United States government; securities which are guaranteed as to principal and interest by the United States government; securities issued by instrumentalities of the United States government.

(Sic)
Long term
investment
fund —
how invested.

“(b) In general obligation bonds of school districts within the State of Montana; in general obligation bonds of the several counties and cities of the State of Montana; in general obligation bonds of the State of Montana; in capitol building bonds of the State of Montana, now issued or which may hereafter be issued; in bonds issued by the federal land banks; in interest-bearing warrants upon the general fund of the state and in interest-bearing warrants upon the general fund, the poor fund, the road fund, or

upon the bridge fund of the several counties of the State of Montana; the purchase of all such investments to be subject to the discretion of the board.

“(c) In debentures issued by the federal housing administrator, and in obligations of national mortgage associations.

“(d) In first mortgages on unencumbered real property when such mortgages are guaranteed or insured. in the amount of fifty per centum (50%) or more of the loan made in the event of default by the United States government or an agency or corporate agency of the United States government and in obligations of housing authorities subject to the terms and limitations of Section 35-143, Revised Codes of Montana, 1947, provided, however, no more than forty per centum (40%) of the funds in one (1) account shall be invested in such mortgages. All securities purchased and all cash on hand for each fund shall be kept separate in the long term investment fund and all interest collected shall be credited to the fund for which the securities were purchased.

Short term
investment
fund —
content, and
permissive
investments.

“(3) The state board of land commissioners is hereby authorized and required to invest in the short term investment fund any surplus cash in the office of the state treasurer; any money in any state bond sinking and interest fund, which is not required for the immediate payment of any bond principal or interest, or which cannot be used for payment and redemption of bonds outstanding because of the same not being redeemable under the option provisions contained therein; any educational bond interest and sinking fund; any of the Montana highway patrolmen's retirement fund less than twenty-five thousand dollars (\$25,000.00) as directed by the Montana highway patrolmen's retirement board and any other fund designated by statute to be so invested or any fund in the custody of any officer or officers of the state, or any governing body of any city, county or school district the investment of which fund is requested by the officer, or officers or governing body and which fund is subject to investment. The funds in the short term investment fund may be invested as follows:

“(a) The surplus cash in the office of the state treasurer may be invested in registered warrants of the State of

Montana and in treasury obligations of the United States government. All warrants purchased shall bear no interest and the interest received from the treasury obligations shall be credited to the general fund of the State of Montana.

“(b) Any sinking and interest fund and any other funds may be invested in bonds of the State of Montana, bonds of the United States, in bonds issued by any agency or department of the United States, treasury obligations of the United States, and in interest bearing warrants drawn against the general fund of the State of Montana; provided, however, that none of such moneys in any sinking and interest fund shall be invested in bonds or securities except such as will be called in and paid at least fifteen (15) days prior to the time such moneys are required for payment of principal and interest of the obligations for which the sinking and interest fund was created.

“All securities purchased and all cash on hand for each fund shall be kept separate in the short term investment fund and all interest collected shall be credited to the fund for which the securities were purchased.

“The state board of land commissioners is hereby authorized to employ, for the purpose of securing advice on retention, sale or purchase of securities an expert on financial matters who has had a minimum of ten (10) years experience in the investment field and there shall not be paid for such services an amount in excess of one thousand dollars (\$1,000) in any one fiscal year.”

Land board
may employ
expert,
qualification,
pay.

Section 9. That Section 79-1203 of the Revised Codes of Montana of 1947, be, and the same is hereby amended to read as follows:

Amending
clause.

“79-1203. (5668.21) Departments to Request Investment of Funds According to Unified Investment Plan. *Except as otherwise provided, any department of the government of the State of Montana, state board, commission, bureau, institution, office or officer, which has under its or his administration any fund subject to investment, must have such fund or any part thereof subject to investment invested by the state board of land commissioners as part of the Montana trust and legacy fund, the long term investment fund or the short term investment fund depend-*

Departments
required to
invest funds
according to
unified plan.

ing on the nature of the fund and the time when the principal invested may be required for the purpose for which it was accumulated. The said board is hereby authorized and required to invest and administer the fund or part of fund for which such request has been made.

Amending
clause.

Section 10. That Section 79-1206 of the Revised Codes of Montana of 1947, be, and the same is hereby amended to read as follows:

Trust and
legacy fund
invested
subject to
supreme court
supervision.

“79-1206. (5668.24) **Investment of Funds — Supreme Court Supervision — Duty of Land Commissioners.** All funds invested as the Montana trust and legacy fund as provided in article XXI of the constitution, shall be invested *as one (1) common fund and shall be invested in the same kinds of securities as the constitution and the statutes prescribe for the investment of the other funds under the administration of the state board of land commissioners, and also subject to the special limitations of the said article XXI. The entire investment of the Montana trust and legacy fund shall be subject to the supervision of the justices of the supreme court as provided in section 17 of the said article. The commissioner of state lands and investments shall perform the same duties and exercise the same powers with regard to the investment administration of the funds under the unified investment plan as he performs with regard to the other investments made by the state board of land commissioners.*”

Amending
clause.

Section 11. That section 79-1208 of the Revised Codes of Montana of 1947, be, and the same is hereby amended to read as follows:

Treasurer to
keep account
of funds.

“79-1208. (5668.26) **Treasurer’s Account of Funds — Auditor’s Account.** The state treasurer shall keep a separate account to be designated by name and number for each and every fund which is invested and administered *according to the unified investment plan* and shall also keep an account of the total of such fund and of all the investments belonging to such fund. Every receipt and collection for each and every fund shall when received be added to the particular fund to which it belongs, and every payment made shall be deducted from the proper fund. The state auditor shall in all cases keep accounts corresponding to those required to be kept by the state treasurer under the provisions of this act.”

Auditor to keep
corresponding
account.

Section 12. That Section 79-1209 of the Revised Codes of Montana of 1947, be, and the same is hereby amended to read as follows:

Amending
clause.

“79-1209. (5668.27) **No Compensation to State for Administering Funds.** The state shall *not* be entitled to receive *any* compensation for the administration of the funds administered under this act.”

No compensa-
tion to state
for administer-
ing funds.

Section 13. That Section 79-1211 of the Revised Codes of Montana of 1947, be, and the same is hereby amended to read as follows:

Amending
clause.

“79-1211. (5668.29) **Annual Transfer of Interest Collected.** On the last day of December each year the interest collected shall be credited pro rata to each and every fund then constituting the Montana trust and legacy fund that was in the keeping of the state on January, based on the total thereof on that date, and shall be added to each such fund, or held available for payment, according to the provisions of article XXI of the constitution and of the statutes and other valid provisions applicable thereto. If any fund is larger or smaller on December 31, than on January 1 of the same year, then the average of the amounts on these two (2) dates shall be the basis for calculating the interest to be credited to that fund. *The interest on all other funds shall be credited to each fund as earned by each such fund.*”

Annual transfer
of interest
collected —
trust and
legacy fund.

Section 14. That Section 79-1213 of the Revised Codes of Montana of 1947, be, and the same is hereby amended to read as follows:

Amending
clause.

“79-1213. (5668.31) **Payments Made on Order of Board — Annual Statement of Treasurer.** Whenever any payment is required to be made of interest or principal from any endowment fund or other fund administered *according to the unified investment plan*, which payment is not subject to the order of any department of the government of the state, state board, commission, bureau, institution, office or officer, other than the state board of land commissioners, the state treasurer shall send a statement in duplicate to such board of the payment or payments to be made showing all essential facts relating thereto. The board shall then issue orders upon the state auditor to issue warrants for all payments approved by it.

Payments
made on
order of board.

Annual
statement
of treasurer.

“During January of each year and at such other times as may be required the state treasurer shall submit to the board a statement covering all such interest payments to be made for the preceding year *or as required by the nature of the fund involved* and all such payments from principal to be made at that time giving all necessary information relating thereto. The board shall then issue orders upon the state auditor to issue warrants for all payments approved by it.”

Amending
clause.

Section 15. That Section 79-1214 of the Revised Codes of Montana of 1947, be, and the same is hereby amended to read as follows:

Limitation
on payment
from funds.

“79-1214. (5668.32) **Limitation on Payment From Funds.** No order or warrant shall ever be issued upon *any funds* for a larger amount than the sum total of the particular fund to which it applies, and if such order or warrant is issued, the state treasurer shall refuse to pay the same and shall be personally liable under his official bond for the entire overdraft resulting from such payment if made.”

Amending
clause.

Section 16. That Section 79-1216 of the Revised Codes of Montana of 1947, be, and the same is hereby amended to read as follows:

Treasurer
to report
from time to
time on funds
at request of
land board.

“79-1216. (5668.34) **Reports of State Treasurer Concerning Funds.** The state treasurer shall from time to time make such reports relating to the affairs of *all funds* as the state board of land commissioners may call for.”

Amending
clause.

Section 17. That Section 92-1112 of the Revised Codes of Montana of 1947, be, and the same is hereby amended to read as follows:

Land board to
invest reserve
in long term
investment
fund.

“92-1112. (3000) **Investment of Reserve — Payment of Installments.** The treasurer of the board shall *turn over such reserve to the state board of land commissioners to be invested and the same shall be invested by said state board of land commissioners as part of the long term investment fund* and out of the same and its earnings shall be paid the monthly installments, and any lump sum, then or thereafter arranged for; provided, however, that when there is sufficient money in the industrial accident fund to meet such compensation payments, any surplus

remaining may be placed in the industrial reserve fund and invested as specified in this section."

Section 18. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing
clause.

Approved March 4, 1953.

CHAPTER 177

An Act Providing That Any Person Who, Without the Consent of The Warden, Shall Furnish or Attempt to Furnish, or Aid or Assist in Furnishing to Any Prisoner Confined in the State Prison, Any Alcohol, Brandy, Whiskey, Rum, Gin, Beer, Ale, Porter, Wine, Spirituous, Vinous, Malt, or Fermented Liquor, Liquids and Compounds, Whether Medicated, Proprietary, Patented or Not, and by whatever Name Called, Containing One-half ($\frac{1}{2}$) of One Per Centum (1%) or More of Alcohol by Volume Which Are Fit for Use for Beverage Purposes, Knives, Razors, Drugs, Narcotics, Guns, Ammunition, Ropes, Ladders, Clothing, or Money to Such Prisoner, or Any Prisoner Who, Without the Consent of the Warden, Shall Receive, Attempt to Receive, or Aid or Assist In Receiving or Attempting to Receive Any of Such Things, Shall be Deemed Guilty of a Felony and Upon Conviction Thereof Shall be Punished by Imprisonment in the State Prison for a Term Not Exceeding Ten (10) Years, or a Fine Not Exceeding Ten Thousand Dollars (\$10,000), or Both.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Any person who, without the consent of the warden, shall furnish or attempt to furnish, or aid or assist in furnishing to any prisoner committed to the state prison, any alcohol, brandy, whiskey, rum, gin, beer, ale, porter, wine, spirituous, vinous, malt, or fermented liquor, liquids and compounds, whether medicated, proprietary, patented or not, and by whatever name called, containing one-half ($\frac{1}{2}$) of one per centum (1%) or more of alcohol by volume which are fit for use for beverage purposes, or any knives, razors, drugs, narcotics, guns, ammunition, ropes, ladders, clothing other than that issued by the state prison, or money

Certain
beverages or
articles not to
be furnished
to prisoners
without
consent of
warden.

to such prisoner; or any prisoner who, without the consent of the warden, shall receive, attempt to receive, or aid or assist in receiving or attempting to receive any of such things, shall be deemed guilty of a felony and upon conviction thereof shall be punished by imprisonment in the state prison for a term not exceeding ten (10) years, or a fine not exceeding ten thousand dollars (\$10,000), or both."

Penalty.

Repealing
clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective
immediately.

Section 3. This act shall be in full force and effect upon its passage and approval.

Approved March 4, 1953.

CHAPTER 178

An Act to Amend Sections 62-301, 62-307, 62-310, 62-311 and 62-314 of the Revised Codes of Montana, 1947; to Abolish the State Park Commission and Transfer the Powers and Duties Thereof to the State Highway Commission; and to Repeal Sections 62-302, 62-303 and 62-313 of the Revised Codes of Montana, 1947.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 62-301 of the Revised Codes of Montana, 1947, be amended to read as follows:

Purpose of
vesting duties
in highway
department.

"62-301. **Purpose.** That for the purpose of conserving the scenic, historic, archaeologic, scientific and recreational resources of the state, and of providing for their use and enjoyment, thereby contributing to the cultural, recreational and economic life of the people and their health, *the state highway commission* (hereinafter referred to as commission) is hereby *vested with the duties and powers hereinafter set forth.*"

Amending
clause.

Section 2. That Section 62-307 of the Revised Codes of Montana, 1947, be amended to read as follows:

Highway
commission
to construct
connecting
roads.

"62-307. **Connecting Roads.** The *state highway commission* is hereby authorized to construct, improve and maintain with state highway funds connecting roads between existing state highways and lands and properties under the jurisdiction of the commission; provided, that

each such road shall not exceed a total length of ten (10) miles."

Section 3. That Section 62-310 of the Revised Codes of Montana, 1947, be amended to read as follows:

Amending
clause.

"62-310. **Establishment of State Scientific and Recreational Park.** That in order to preserve and protect the biological station grounds hereafter referred to, and to remove fire hazards and the danger of other encroachments tending to detract from the scientific values and uses thereof, the *state highway* commission is authorized to establish and maintain a state scientific and recreational park on a suitable area to be designated by it not exceeding fifteen (15) acres at the southeast portion of the lands granted by the United States of America to the State of Montana for the use of the university of Montana for biological station purposes."

Highway
commission
to establish
scientific and
recreational
parks.

Section 4. That Section 62-311 of the Revised Codes of Montana, 1947, be amended to read as follows:

Amending
clause.

"62-311. **State Highway Commission to Establish Rules Governing Use.** That if and when said park is established, the *state highway* commission shall make such rules and regulations governing its use, occupancy and the protection of the remaining lands of said grant that the use of all of said lands for biological station purposes shall be promoted and continued; and the park itself shall be so established and maintained as to develop and encourage public interest in the scientific and biological resources of the area; provided, however, that nothing herein contained shall operate to prevent the use of the area within the said park for biological station purposes whenever it becomes useful or necessary for such purposes."

Highway
commission
to establish
rules govern-
ing use of
park and re-
maining lands.

Section 5. That Section 62-314 of the Revised Codes of Montana, 1947, be amended to read as follows:

Amending
clause.

"62-314. (1842.3) **Penalties for Violation of State Park Regulations.** Any person who shall injure or damage in any unusual way any state or private property thereon or therein, or shall violate any of the regulations made by the *state highway commission* relating to the state parks, shall be guilty of a misdemeanor and shall be fined not more than five hundred dollars (\$500.00) or be imprisoned in the county jail for not more than six (6) months."

Penalties
for violation
of park
regulations.

Repealing
sections 62-302,
62-303 and
62-313,
R.C.M., 1947.

Section 6. That Sections 62-302, 62-303 and 62-313 of the Revised Codes of Montana, 1947, be, and the same are hereby repealed.

Approved March 4, 1953.

CHAPTER 179

An Act to Provide for the Filing of Quarterly Reports With the County Clerk and Recorder of Each County Concerning Recipients of Public Assistance and Employees of County Welfare Boards by Said Boards, Declaring Such Reports to be Public Records, Providing for Destruction of Records After Four (4) Years From Date of Filing, Prohibiting Misuse of Public Assistance Information, Declaring Such Misuse to Be a Misdemeanor, Providing the Penalty Therefor, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Welfare boards
to file names
of recipients
of public
assistance —
and amounts.

Section 1. The county welfare board of each county shall on or before the thirtieth (30th) day of January, April, July and October of each year file with the county clerk and recorder of each county a complete report showing the names of all recipients receiving public assistance, together with the amounts paid to each during the preceding quarter.

Made
public records.

The reports so filed with the county clerk and recorder shall be and the same hereby are declared to be public records and shall be open to public inspection at all times during the regular office hours of said county clerk and recorder. The reports so filed may be destroyed by the county clerk and recorder in the presence of the board of county commissioners and upon order of said board of county commissioners at any time after the period of four (4) years from their filing date.

Misuse of
information
forbidden.

Section 2. **Misuse of Public Assistance Information.** Except as provided in this act, it shall be unlawful for any person, body, association, firm, corporation or other agency to solicit, disclose, receive, make use of, or to authorize, knowingly permit, participate in, or acquiesce in the use of, any lists or names for commercial or political pur-

poses of any nature, or for any purpose not directly connected with the administration of public assistance.

Section 3. **Penalty.** Any person, body, association, corporation, firm, or other agency who shall willfully or knowingly, violate any provision of this act shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than twenty-five (\$25.00) dollars nor more than one thousand (\$1,000.00) dollars, to which may be added imprisonment in the county jail for any determinate period not be exceed sixty (60) days. If the violation is by other than an individual, the imprisonment may be adjusted against any officer, agent, employee, servant, or other person of the association, corporation, firm or other agency who committed or participated in such violation and is found guilty thereof. **Penalty.**

Section 4. All acts and parts of acts in conflict herewith are hereby repealed. **Repealing clause.**

Section 5. This act shall be in full force and effect from and after its passage and approval. **Effective immediately.**

Approved March 4, 1953.

CHAPTER 180

An Act Relating to and Providing for Monetary Contribution to the Support of Certain Needy Persons by Certain Relatives Thereof; Imposing Additional Duties Upon County Public Welfare Departments in Relation Thereto; Establishing a Scale of Monetary Contribution; Providing for the Securing of Certain Financial Information From the State Board of Equalization, Prohibiting the Divulging of Any Information So Secured and Prescribing the Penalty Therefor; Providing for a Cause of Action in Needy Persons Against Certain Relatives and the Subrogation of That Right to the State Department of Public Welfare; Providing for the Prosecution of Said Cause of Action and the Application of the Proceeds From Any Judgment So Secured; Repealing Section 71-102, Revised Codes of Montana, 1947; Reserving From the Repealing Clause Section 61-104, 61-124, 61-125, 61-126, 94-301 and 94-304, Revised Codes of Mon-

tana, 1947, and Repealing All Other Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

County welfare department to investigate financial facts of certain relatives of welfare applicants.

Section 1. Each county public welfare department acting directly or through an authorized agent, upon receipt of an application for public assistance, in addition to duties otherwise imposed and acting without unnecessary delay and with diligence, shall investigate the facts relating to the income and financial condition of the applicant's living husband, wife, father, mother, son or daughter or any or all of them, and provided, further, that such investigation shall be a prerequisite to the establishment of eligibility. In making such investigation, the department and its duly authorized agents hereby are authorized to require statements under oath from the applicants and from any such person whose income and financial condition is at issue. A report containing the results of such investigation and recommendations thereon, shall be promptly made to the state department of public welfare.

Report to state welfare department.

State department to determine liability of relatives.

Section 2. The state department of public welfare, upon receipt of the report of the investigation referred to in section 1 hereof, may make such further investigation of the matter as it may deem necessary to ascertain the facts in relation thereto and shall cause to be made a determination of the liability of each living relative of the applicant referred to herein for contribution to the applicant's support in accordance with the "relatives contribution scale" established by this act. In determining the ability to contribute, the financial circumstances of such relatives shall be given due consideration in the order named, and in unusual cases a contribution of less than the amount fixed in the relatives' contribution scale may be authorized by the state department of public welfare upon recommendation contained in the report of the investigation referred to in section 1 hereof or any subsequent investigation by either the county or state departments, and provided that such determination of financial circumstances of each such relative investigated shall be fully set forth as part of the case record of the applicant.

Relatives made liable to needy person — order of preference and contribution scale established.

Section 3. The living relatives, of each needy person, named in this act, shall be and they hereby are made jointly and severally liable in the order named in section

1 hereof to such needy person for the monthly amounts of money determined in accordance with the following scale. to-wit:

A. Net monthly income of responsible relatives in one family in dollars	Relatives Contribution Scale									
	B. Number of persons dependent upon income exclusive of applicant									
	1	2	3	4	5	6	7	8	9	10 and over
	C. Maximum required monthly contribution									
Under 195	0	0	0	0	0	0	0	0	0	0
195 to 254	15	0	0	0	0	0	0	0	0	0
255 to 314	30	10	0	0	0	0	0	0	0	0
315 to 394	50	30	20	15	5	0	0	0	0	0
395 to 474	70	50	40	35	25	20	10	0	0	0
475 to 554	90	70	60	55	45	40	30	20	10	0
555 to 654	100	90	80	75	65	60	50	40	30	20
655 to 754	100	100	100	100	90	85	75	65	55	45
755 to 854	100	100	100	100	100	100	100	90	80	70
855 and up	100	100	100	100	100	100	100	100	100	90

For the purposes of this act: (1) A needy person is one who is eligible for public assistance under the laws of this state; (2) "net monthly income" shall be deemed to mean one-twelfth (1/12) of the difference between the net income for the taxable year as the term net income is defined in Section 84-4901, subsection ten (10) Revised Codes of Montana, 1947, and the state income tax paid as determined by the state income tax return filed during the current year.

Terms
defined.

In those cases where both spouses classify as responsible relatives of needy persons during the same period of time, the liability for contribution of each of said spouses during that time shall be considered to be one-half ($\frac{1}{2}$) of the amount shown in the scale established by this act.

Section 4. The state department of public welfare shall be required and it shall be its duty, when necessary to determine the financial circumstances of those relatives herein named, to secure from the state board of equalization a report of the amount of income set forth on the return required by Section 84-4914, Revised Codes of Montana, 1947. The state board of equalization is authorized and it

Welfare
department
to secure
income tax
reports of
relatives.

shall be its duty to divulge or make known to the state department of public welfare the amount of income or any particulars set forth or disclosed in any report or return required under the state income tax act, and submitted by the relatives herein named.

A separate income tax return shall constitute prima facie evidence of taxable income, amount of tax and number of dependents of the individual making it; a joint income tax return of husband and wife shall constitute prima facie evidence of taxable income, amount of tax and number of dependents of either spouse, for the purpose of this act.

Improper disclosure of information forbidden — penalty.

It shall be unlawful for the board or any deputy, assistant, agent, clerk or other officer or employee to divulge or make known in any manner any information secured from the state board of equalization in the administration of this act, except for purposes directly connected with the administration of this act. Violation of the provisions of this section shall be punished by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment in the county jail not exceeding one (1) year, or both, at the discretion of the court, and if the offender be an officer or employee of the state, he shall be dismissed from office and be incapable of holding any public office in this state for a period of one (1) year, thereafter.

Liability of relative not to deprive recipient of assistance.

Section 5. The liability of a relative to contribute to the support of a recipient of public assistance established by this act shall not be grounds for denying or discontinuing public assistance to any person; provided, however, that by accepting such public assistance the recipient thereof shall be deemed to consent to the recovery of an amount equal to the liability as set forth in section 3 hereof from any responsible living relative or relatives by the state public welfare department as in this act provided.

Recovery action transferred to welfare department.

Cause of action for contribution established.

Section 6. From and after the effective date of this act each needy person in Montana shall have a cause of action at law against any living relative or relatives referred to in section 1 hereof for the monthly contribution to his or her support established by section 3 of this act; in any such action at law judgment may be entered for all accumulated contributions for which defendant is liable under this act.

Section 7. The state department of public welfare shall be subrogated to the right of each needy person who is a recipient of public assistance in this state, to prosecute an action at law arising under the provisions of this act against any living relative of such recipient named in section 1 hereof.

Welfare
department
subrogated
to cause of
action of
recipient.

Section 8. The state department of public welfare shall be and is hereby authorized, either in its own name or in the name of the recipient of public assistance to whose right of action it has been subrogated, to commence and prosecute to final conclusion such legal proceedings as may be deemed necessary for the amount of the relatives' required contribution as determined under this act. From the amount collected as a result of such legal proceedings, the state department of public welfare shall deduct the full amount previously paid as public assistance under the laws of this state and the remainder thereof, after deducting the costs of the proceeding shall be delivered to the recipient. The amount of any previously paid public assistance recovered in any such proceedings shall be distributed by the state department of public welfare to the United States government, the county, and to the state general fund, as their interests may appear. The attorney general shall at the request of the state board of public welfare prosecute any and all actions instituted under this act, and is hereby authorized to instruct the county attorneys of the counties in which such actions may arise, to prosecute the same.

Welfare
department
right to sue.

Attorney
general
to prosecute.

Section 9. That Section 71-102, Revised Codes of Montana, 1947, be, and the same hereby is repealed and all other acts and parts of acts in conflict herewith hereby are repealed; provided that nothing in this act contained shall be construed to repeal all or any part of section 61-104, section 61-124, section 61-125, section 61-126, section 94-301 or section 94-304, Revised Codes of Montana, 1947.

Repealing
section 71-102,
R.C.M., 1947.

Approved March 4, 1953.

CHAPTER 181

An Act to Amend Section 69-102 of the Revised Codes of Montana, 1947, as Previously Amended in Chapter 57, Session Laws of 1949; to Provide That Regular Meetings

of the State Board of Health Shall be Held Not Less Than Once Every Two (2) Months.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 69-102 of the Revised Codes of Montana, 1947, *as previously amended in chapter 57, session laws of 1949*, be, and the same is hereby amended to read as follows:

State board
of health
created.

“69-102 (2445) **State Board of Health — Members — Appointment, Qualifications — Terms — Vacancy — Officers — Meetings — Compensation.** There is hereby created ‘the state board of health of the State of Montana,’ hereinafter referred to as the ‘board’, which shall consist of seven (7) members, to be appointed by the governor, three (3) of whom shall have the degree of doctor of medicine, one (1) of whom shall have the degree of doctor of dental surgery, and three (3) of whom shall be lay persons, each of whom has demonstrated intelligent and active interest in the field of public health in Montana. For the purpose of this act a ‘lay person’ is hereby defined as any person who does not hold the degree of doctor of dental surgery or doctor of medicine. The governor shall make such appointments not later than thirty (30) days prior to June 30, 1949. The members appointed shall be so named and appointed that the term of office of one (1) of such members shall expire on the thirtieth (30th) day of June, 1950, and the term of one (1) member shall expire on the thirtieth (30th) day of each succeeding June thirtieth (30th) in each of the years 1951 through 1956, inclusive. Upon the completion of each original term successively, each subsequent appointment shall be promptly made by the governor for a full term of seven (7) years, each regular term to run from June thirtieth (30th), and each appointment shall be subject to confirmation by the senate of the State of Montana. Appointments shall be made to the board in such manner that the representation from the doctors of medicine, the doctors of dental surgery and the lay persons shall at all times be continued and preserved as herein set forth. Each vacancy on the board shall be filled by the governor by the appointment of a qualified person to serve for the unexpired term, subject to confirmation by the senate. In the event any member of the board fails to attend three (3) meetings of the board

Members,
appointment,
qualifications.

Terms.

Vacancies.

in any calendar year, the seat of such member shall forthwith become automatically vacant, provided that the member has not been excused for illness, or for other good cause found sufficient by the board.

“The board first appointed under the provisions of this act shall meet at twelve o’clock (12:00) noon on July 1, 1949, and shall elect from its members a president, a vice-president, a secretary, and such other officers as it shall determine. The board may require its executive officer, hereinafter provided for, to serve as secretary of the board.

Meetings.

“The secretary of the board, whether a member of the board, or its executive officer, shall keep complete and accurate minutes of each meeting of the board, and of every motion, resolution, act and all proceedings of the board.

“Regular meetings of the board shall be held not less than once every *two* (2) months at such time or times as may be fixed by resolution of the board to effect such meetings in compliance with this act. Special meetings may be called by the president, by the executive officer, or by a majority of the members of the board at any time on three (3) days’ prior notice by mail, or in case of epidemics, water pollution dangerous to health, floods or other emergencies on twenty-four (24) hours’ notice by telephone or telegraph. The board shall adopt, and at any time may amend by-laws in relation to its meetings and the transaction of its business. A majority shall constitute a quorum of the board. Each member of the board shall receive the sum of ten dollars (\$10.00) per day for each day’s attendance at meetings of the board, and when in the field acting for the board, and shall be reimbursed for his traveling and subsistence expenses when absent from his place of residence in attendance at meetings or when in the field acting for the board. In every suit or proceeding in which the acts of the board are the subject of inquiry, the meetings of the board shall be deemed to have been duly called and regularly held, and all orders and proceedings of the board shall be deemed to have been regularly authorized, unless the contrary be proved.”

Compensation
of members.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing
clause.

Approved March 4, 1953.

CHAPTER 182

An Act to Provide That the Superintendent or Acting Superintendent of the Montana State Hospital May Accept Patients at Said Hospital Prior to Legal Commitment When in His Discretion Immediate Hospitalization for Such Patients is Necessary; Provided That Within Five (5) Days After Admission of Such Patients They Shall Either be Legally Committed or Released and Discharged.

Be it enacted by the Legislative Assembly of the State of Montana:

Superintendent
may accept
certain
patients prior
to formal
commitment.

Section 1. That the superintendent, or acting superintendent, of the Montana state hospital shall have the right and authority to accept and admit patients to the Montana state hospital who have not been legally committed to the hospital, when a patient is presented for admission accompanied by a certificate from the county physician in the county in which the patient resides, stating that to the best of his knowledge and belief this patient is suffering from acute mania or circular insanity and requires immediate hospitalization and who, by reason of the absence of the district judge from the county of the patients' residences, have not been legally committed to the Montana state hospital.

Commitment
by Deer Lodge
county court
or release
in 5 days.

Section 2. Within five (5) days after the admission to the state hospital of patients who have not been legally committed as hereinbefore provided, the superintendent or acting superintendent of said hospital shall have such patients legally committed thereto by the district court of the third judicial district of the State of Montana in and for the county of Deer Lodge or shall release and discharge such patients from said hospital.

Costs borne
by county
of residence.

Section 3. In all cases provided for by this act the costs of commitment proceedings shall be paid by the county of the patients' residences.

Approved March 4, 1953.

CHAPTER 183

An Act to Empower the County Commissioners of Any County to Create Mosquito Control Districts; Providing

the Method to be Followed in Creating Such Districts; Providing for the Enlargement of Such Districts; Providing for the Creation and Appointment of Mosquito Control Boards and Specifying the Powers of Such Boards; Providing for the Creation of a State Mosquito Advisory Committee and Prescribing the Duties Thereof; Providing for a Special Tax to Raise Funds for Mosquito Control Purposes; Providing for the Dissolution of Such Districts; Providing Penalties for the Violation of Certain Provisions of the Act, and Providing for the Organization of Joint Mosquito Control Districts.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. **Definitions.** In this act the expression :

Terms defined.

(a) "Commissioners" shall mean the board of county commissioners of any county;

(b) "District" shall mean any mosquito control district created under the provisions of this act;

(c) "Board" shall mean the mosquito control board for any district created under this act;

(d) "Committee" shall mean the state mosquito advisory committee;

(e) "Resident-owned land" shall mean land situated within any district created or proposed to be created under this act the owner of which resides within the county in which such district or proposed district lies;

(f) "Resident freeholders" shall mean owners of land situated within any district created or proposed to be created under this act who reside in the county in which said land lies;

(g) "Mosquito" shall mean any insect belonging to the family culicidae of the order diptera;

(h) "Mosquito pest" shall mean any group of mosquitoes which annoy man or his domestic animals or transmit any disease of man or of his domestic animals.

Section 2. The board of county commissioners of any county shall have the power to create one (1) or more mosquito control districts within such county in the manner hereinafter provided.

Commissioners
may create
mosquito
control
districts.

Contents of
petitions;
notice and
hearings.

Section 3. When a petition signed by twenty-five per cent (25%) of the resident freeholders of any proposed district, is presented to the board of commissioners of such county, asking for the creation of a mosquito control district, the commissioners shall set a day for the hearing of the same and order notice thereof to be given to all persons interested, as is hereinafter provided. Said petition shall set forth the boundaries of the proposed district and legal description of each piece of land within the same, together with the record owner thereof as shown by the last completed assessment list of the county. Such proposed district may include any incorporated or unincorporated city or town of the county.

Notice by mail;
publication
and posting.

Section 4. Notice of such hearing shall be mailed, by registered letter, to each nonresident landowner within the proposed district, at his last known address. The address of the landowner as set forth in the conveyance by which he secured title, provided such conveyance contains his address, shall be deemed his last known address, unless by affidavit it shall appear that the landowner has another address. If no known address appears, service shall be deemed complete upon publication as hereinafter provided for. Such notice shall also be posted in three (3) public places within the district, and where the district is partly in one county and partly in another county, notice must be posted in each county, but not in three (3) places in each county, and be published in a newspaper within or nearest the district, and if the district is partly in one (1) county and partly in another county, in a newspaper in each county, if such newspaper exists. Such publication must be for two (2) weekly issues and such posting, mailing and first publication shall be at least ten (10) days before the hearing. Accompanying petition for creation of a district shall be sufficient funds to defray the cost of publication and posting.

Objections may
be filed prior
to hearing.

Section 5. At such a hearing or at any time following the first (1st) publication of notice of such hearing, until the time of said hearing, any land owner may file his written objections to the creation of the district. Such objections shall be delivered to the county clerk, who shall endorse thereon the date of its receipt by him. Upon such hearing, if the commissioners believe the creation of such a district to be to the best interest of such area and those

Commissioners
may establish
district by
order, fix
boundaries.

resident therein, they shall by an order, duly made and entered on their minutes, declare the district created, setting forth the name and boundaries of the district and the description of land contained therein. Provided, that if the owners of fifty-one per cent (51%) or more of the land within the proposed district file their written objections to the creation of such district, the commissioners shall not proceed with the creation of such district. Before setting a time for hearing, such petition, the commissioners may cause a survey and study of the area sought to be included in such district to be made by competent personnel and may submit a report thereof to the state mosquito advisory committee for its review and recommendations.

Proviso.

Commissioners
may make
survey
and study.

Section 6. Any such district at any time subsequent to its creation may be enlarged to include adjacent land upon the presentation to the board of county commissioners of a petition signed by the owners of twenty-five per cent (25%) of the resident-owned land lying within the area proposed to be annexed to the district. If any such petition for enlargement of an existing district is presented, the board of county commissioners shall set a time for hearing thereon and shall cause notice thereof to be given in the manner provided by section four (4) of this act. If, upon such hearing, the commissioners believe it to be to the best interests of the area and those resident therein that such area be annexed to the district, they shall by an order duly made and entered on their minutes, declare the area in question to be annexed to the district, and such annexed area shall thenceforth be considered a part of such district for all purposes as thereof originally included therein. If prior to the time of such hearing, written objections are filed in the manner provided in section five (5) by owners of fifty-one per cent (51%) or more of the land included in the area proposed to be annexed to the district, the commissioners shall not act on such petition.

Enlargement
of district —
procedure.

Section 7. Upon the creation of any mosquito control district, the commissioners shall appoint a mosquito control board composed of not less than three (3) nor more than five (5) members, each of whom shall be a freeholder within the district. The terms of office for the first appointed members shall be so arranged that they do not all expire at the same time, and for that purpose may be set for any

Mosquito
control board,
membership,
terms,
compensation.

length of time not more than three (3) years. Thereafter the terms of all members shall be three (3) years, the term of one (1) member expiring on the first (1st) day of July in each year. Said board shall be a body corporate and shall act as such, and said members shall be public officers and they shall organize each year by choosing a chairman who shall be from among the appointed members, and a secretary. All such board members shall serve without pay, except that the appointed members shall receive ten dollars (\$10.00) per diem for each day when the board is actually in session and their necessary mileage as provided by law. The health officer having jurisdiction in the proposed district, sanitarian or a member of his staff, and the county extension agent, if the county has any, or all such officers, shall be ex-officio members of such board without vote.

Powers of
mosquito
control board.

Section 8. The mosquito control board shall have power:

1. To develop and administer a program for the abatement and alleviation of mosquito pest conditions within the district.
2. To employ such suitable and competent assistants and employees as may be necessary and provide for their compensation.
3. To purchase, rent, or execute leasing agreements for such equipment and material as they may determine to be necessary for carrying on an effective control program.
4. To cooperate with any corporation, association, individual, or group of individuals, including any agency of the federal or state governments, in a mosquito abatement program.
5. To receive gifts, grants or donations for the purpose of advancing its program.
6. To take such action as may be necessary or advisable to survey, control, modify or abate any condition which may or does contribute to the existence of the mosquito pest, and for this purpose to enter upon any premises located within the said district, through its members, employees or agents.

Creation of
state
mosquito
advisory
committee.

Section 9. (a) There is hereby established a state mosquito advisory committee which shall be composed of the

state board of entomology and the heads of the departments of agricultural engineering, agronomy and soils of Montana state college. The chairman of the state board of entomology shall be the chairman of said committee.

(b) It shall be the duty of such committee to advise the commissioners of any county relative to the creation of mosquito control districts within such county and to advise the boards of such districts in connection with their control programs.

To advise
commissioners
and local
boards.

(c) Annually on or before the first (1st) day of February, the board of each district shall submit to such committee for its review and advice a written report of its operations for the preceding year and a written plan covering its control program for the ensuing year.

Reports from
local
committees.

Section 10. The board of county commissioners of any county within which a mosquito control board has been created shall establish a mosquito control fund, and at the time fixed by law for levy and assessment of taxes shall levy a tax of not exceeding five (5) mills on the dollar of the total taxable valuation in such district on the real property situated within the said district, the proceeds of which shall be placed in a separate fund with the county treasurer of such county and shall be used solely for the purpose for which such mosquito control district was created. Warrants upon such fund shall be drawn by the board of county commissioners upon the presentation of claims approved by the mosquito control board.

County may
establish
mosquito
control fund,
levy in
districts.

Section 11. A mosquito control district may be dissolved upon presentation to the board of county commissioners of a petition signed by the owners of at least fifty-one per cent (51%) of the resident-owned land lying within such district. Upon the filing of such petition, the board of county commissioners shall set a time for hearing the same and shall cause notice thereof to be posted in at least three (3) public places within said district and to be published, at least, once in the official newspaper of the county, published in said district, such posting and publication to be at least ten (10) days before said date of hearing. If the district is partly in one (1) county and partly in another county, notice must be posted in each county but not three (3) times in each county, and notice must be published in the official newspaper of each county. If upon such

Dissolution
of districts —
procedure.

hearing, the commissioners find such petition to be sufficient and that there is good reason for the dissolution of such district, the commissioners shall enter upon their minutes an order dissolving such district. The effective date of such dissolution shall be set by the commissioners at such time within the fiscal year as best conforms with the operations of the county budget. Any funds unexpended at the dissolution of a district shall be paid over into the county general fund, and where the district is partly in one (1) county and partly in another county, the funds shall be apportioned between the counties and such apportionment shall be based on the taxable value of the land which is within the district. Physical assets may be liquidated as provided for in section 16-1009, and where the district is partly in one (1) county and partly in another county, the proceeds of the sale of physical assets will be apportioned in like manner as the liquid assets.

Board may
make special
orders on
particular
lands:

Section 12. (a) Whenever there exists within the district any condition which unnecessarily contributes to the production of mosquitoes, and in the judgment of the board it is reasonably feasible for the owner of the land on which such condition exists to remove, correct or prevent the same, the board shall have the power to notify such landowner in writing to remove, correct or destroy such condition within a reasonable time, to be specified in such notice, and to prevent the recurrence thereof. The board shall provide for a hearing whenever there is a condition upon the land in need of attention as provided for and in keeping with the provisions of this act. The board shall determine from the evidence presented at the hearing whether the above mentioned condition does exist and shall order compliance in keeping with the provisions of this act. The land owner shall have the right of appeal, which said appeal shall be conducted in the same manner as appeals in civil action.

Penalty for
willful
interference
with board.

(b) Any person who in any manner wilfully interferes with the mosquito control board, its officers, agents or employees in carrying out the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not to exceed the sum of one hundred dollars (\$100.00), and if the court should so determine, such person shall also be subject to the requirement of giving a

bond to keep the peace to prevent further future interference with the work of said officials, their agents and employees.

(c) All fines, forfeited bonds, and penalties collected under the provisions of this act shall be paid to the county treasurer of each county and by him placed to the credit of the mosquito control fund.

Disposition of
fines and
penalties.

Section 13. Joint mosquito control districts, that is, districts which lie partly in one (1) county and partly in another, may be created or dissolved in the same manner as provided in this act for other districts, except that in such cases all petitions must be directed to the commissioners of each county affected, and must be acted upon by them concurrently. In the case of such districts, the mosquito control board shall be constituted in the same manner and shall have the same powers as in this act is provided for other boards, except that appointments shall be made by joint action of the commissioners in all counties affected and each county shall be represented among the appointed members of the board. The county health officer, county sanitarian and county extension agent of each county shall be ex-officio members of the board without vote. The annual tax levy, if any, shall be made by agreement of the commissioners of all counties affected and shall apply uniformly throughout such joint districts.

Provision
for joint
districts.

Section 14. Insofar as the provisions of this act are inconsistent with the provisions of any other law, the provisions of this act shall be controlling.

Where a
conflict,
this statute
controls.

Approved March 4, 1953.

CHAPTER 184

An Act to Amend Section 46-801 of the Revised Codes of Montana, 1947, as Amended by Section 1 of Chapter 110, of the Session Laws of the 30th Legislative Assembly Relating to the Inspection of Livestock Before Removal From Any County in the State and Providing That Livestock May be Removed From a County Without Inspection Upon Obtaining a Market Consignment Permit Where Such Livestock Are Transported to a Livestock Market Licensed by the State of Montana But Lo-

cated in Another County; to Amend Section 46-802 of the Revised Codes of Montana, 1947, Relating to the Duties of State Stock Inspectors and Deputy State Stock Inspectors and Providing for the Issuance of Market Consignment Permits for Livestock Going to a Licensed Livestock Market; to Amend Section 46-804 of the Revised Codes of Montana, 1947, as Amended by the Section 1 of Chapter 106 of the Session Laws of the 30th Legislative Assembly Relating to the Fees for Inspection of Livestock and Providing for a Fee for the Issuance of a Market Consignment Permit and Elimination of the Maximum Charge to be Collected From Any One Person for the Service of Inspection; to Amend Section 46-806 of the Revised Codes of Montana, 1947, Relating to the Penalties for Violations of the Livestock Inspection Laws and Providing Penalties for Violations of the Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 46-801 of the Revised Codes of Montana, 1947, as amended by section 1, chapter 110 of the session laws of the 30th legislative assembly, be, and the same is hereby amended to read as follows:

Inspection of
livestock
before
removal from
county.

“46-801. *Inspection of Livestock Before Removal From County.* (1) Except as in this act otherwise provided, it shall be unlawful to remove or cause to be removed from any county in this state any cow, ox, bull, stag, calf, steer, heifer, horse, mule, mare, colt, foal or filly, by means of any railroad car, motor vehicle, trailer, horse-drawn vehicle, boat or in any manner whatsoever unless such animal shall have been inspected for brands by a state stock inspector or deputy state stock inspector and certificate of such inspection shall have been issued in connection with and for the purpose of such transportation or removal as in this act provided. Such inspection must be made in daylight.

“(2) It shall be unlawful to sell or offer for sale at a livestock market any cow, ox, bull, stag, calf, steer, heifer, horse, mule, mare, colt, foal or filly originating within any county in the State of Montana in which a livestock market is maintained, *or transported under a market consignment permit* until such animal has been inspected for marks and brands by a state stock inspector, as in this act provided.

“(3) It shall be unlawful to remove or cause to be removed any cow, ox, bull, stag, calf, steer, heifer, horse, mule, mare, colt, foal or filly from the premises of any livestock market in this state unless such animal shall have been inspected for marks and brands by a state stock inspector and an inspection certificate for such animal shall have been issued in connection with and for the purpose of such removal from the premises of such livestock market, as in this act provided.

“(4) The person in charge of any such cow, ox, bull, stag, calf, steer, heifer, horse, mule, mare, colt, foal or filly being removed from any county in this state, where inspection thereof is required by this act *or when moved under a market consignment permit* shall have in his possession the certificate of inspection *or market consignment permit* issued in connection therewith, and shall exhibit the same to any sheriff, deputy sheriff, constable, *highway patrolman*, state stock inspector or deputy state stock inspector at the request of either of them *and the provisions of 46-803 of the Revised Codes of Montana, 1947, shall be extended to livestock transported under the above mentioned permits.*

“(5) In case of saddle, work *or show horse or horses* being transported from county to county within the state by the owner thereof for his personal use *or business* and where there is no change of ownership, the inspection certificate as required by this act, may be endorsed as to purpose and extent of transportation by the inspector issuing same in order to serve as a travel permit within the state for a period not to exceed *one year for the horse or horses* described thereon. Such permit becomes void upon any transfer of ownership or if *such horse or horses* are to be removed from the state. In such instances an inspection must be secured for removal and the endorsed certificate surrendered.

“(6) The provisions of section 1 of this act (*this section*) shall not apply, Exceptions.

(a) to any cow, ox, bull, stag, calf, steer, heifer, horse, mule, mare, colt, foal or filly being transported through the state in inter-state commerce without leaving the custody of the carrier;

(b) to any cow, ox, bull, stag, calf, steer, heifer, horse, mule, mare, colt, foal or filly transported by railroad consigned to and which, without leaving the custody of the carrier, does reach a market at which the livestock commission of the State of Montana regularly maintains a stock inspector, and for which animal a loading tally has been filed by the shipper with the carrier as provided in Section 3341 (46-1003) of the Revised Codes of Montana of 1935;

(c) to any cow, ox, bull, stag, calf, steer, heifer, horse, mule, mare, colt, foal or filly when driven on the hoof and not moved by means of any motor vehicle, trailer, horse-drawn vehicle, railroad car or boat, by the owner from one (1) county to the next adjoining county within the State of Montana on to land owned or controlled by the owner of livestock so moved for the purpose of pasturing, feeding or changing the range thereof;

(d) *to any cow, ox, bull, stag, calf, steer, heifer, horse, mule, mare, colt, foal or filly when driven on the hoof or moved by means of any motor vehicle, trailer, horse-drawn vehicle, railroad car or boat, by the owner from one (1) county to the next adjoining county within the State of Montana on to land owned or controlled by the owner of livestock without leaving land owned or controlled by such owner when moved for the purpose of pasturing, feeding, or changing the range thereof;*

(e) to any such animal or animals when driven on the hoof from one (1) county to an adjoining county within the state for the purpose of shipment by railroad or delivery to a licensed public market by any person who has been the owner of said animal or animals for a period of at least three (3) months;

(f) *to any such animal or animals from one (1) county to be consigned to, and which actually reach by means other than railroad a licensed livestock market located in another county of the state at which the livestock commission of the State of Montana regularly maintains a stock inspector, and for which a market consignment permit has been obtained in the manner provided by law."*

Section 2. That Section 46-802 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending
clause.

“46-802. **Duties of State Stock Inspector and Deputy State Stock Inspectors.** It shall be the duty of state stock inspectors and deputy state stock inspectors, upon the application of the owner of any such animal referred to in section 46-801, or the duly authorized agent of such owner, to inspect all such animals intended for removal or shipment as in this act provided, and to issue his certificate of inspection therefor, if it shall appear with reasonable certainty that the applicant is the owner of such animal or has the lawful right to the possession thereof.

Duties of
state stock
inspector and
deputies.

“The inspection herein provided for shall include such examination of the animal and all marks and brands thereon as to identify the same. The certificate of inspection shall be made in triplicate and shall specify the date of inspection, the place of origin and place of destination of the shipment, the name and address of the owner of the animal or of the applicant for inspection, the class of the animal as specified in section 46-801, the marks and brands, if any, upon the animal, and such other information and upon such form of certificate as the livestock commission may from time to time require. One (1) copy of the certificate shall be retained by the inspector, one (1) copy thereof shall be furnished by the inspector to the owner or shipper of the animal, and one (1) shall be filed by the inspector with the secretary of the livestock commission at Helena, Montana, within five (5) days.

“*If it shall appear with reasonable certainty that the applicant is the owner of such animals or has the lawful right to the possession thereof, the state stock inspectors or deputy state stock inspectors, upon application of an owner or his agent of any such animal or animals to be consigned and delivered directly to a licensed livestock market located in another county of the state, shall issue to such person a separate market consignment permit for each owner when the owner, or owners, or their duly authorized agents sign such permit certifying the brands, description and destination of such animals. The market consignment permit shall be made in triplicate, shall specify the date and time issued, the place of origin and place of destination of the shipment, the name and address of the owner of the animal or animals and the name and address of the person actually transporting the animal or animals if different than the owner, the kind of animal or animals,*

Market
consignment
permits,
procedure.

the marks and brands, if any, upon the animal or animals, a description of the vehicle or vehicles to be used to transport such animal or animals to include the license number of such vehicle or vehicles and such other information and upon such form of permit as the livestock commission may from time to time require. Any such permit so issued shall be good for shipment within 36 hours from date and time of issue; provided, however, that permits not used within this time limitation must be returned to the issuing officer to be canceled and to release permittee from performance. One copy of such permit shall be retained by the inspector, one copy shall be filed by the inspector with the secretary of the livestock commission at Helena, Montana within five (5) days of the date of issue, and one copy shall be furnished by the inspector to the owner or skipper of the animal or animals which such copy of the permit shall accompany the shipment and be delivered to the state stock inspector at the livestock market where the animal or animals are delivered."

Amending
clause.

Section 3. That Section 46-804 of the Revised Codes of Montana, 1947, as amended by section 1, chapter 106 of the session laws of the 30th legislative assembly, be, and the same is hereby amended to read as follows:

Fees for
inspection
or market
consignment
permit.

"46-804. *Fees for Inspection and Livestock Transportation Permit.* (a) For the service of inspection or for the issuance of market consignment permit herein provided for before removal from county, the inspector making such inspections or issuing of such permit shall receive twenty-five cents (25¢) per head for twelve (12) head or less, or three dollars (\$3.00) for from twelve (12) head to thirty (30) head and shall receive ten cents (10¢) per head for each animal over thirty (30) head and shall receive in addition thereto his necessary actual expenses, to be paid by the owner thereof or the person for whom the inspection is made or permit issued; provided, however, that for each market consignment permit issued a minimum fee shall be one dollar (\$1.00) and a maximum fee shall be five dollars (\$5.00). All such inspection and permit fees and expenses shall be collected by the inspector making the same at the time of inspection or issuance of permit and all such fees and expenses collected by a deputy state stock inspector shall be retained by him and all such fees and expenses collected by a state stock inspector shall be sent

by him to the livestock commission for deposit in the state treasury to the credit of the livestock commission fund.

(b) For the service of inspection herein provided for before any such animal is sold or offered for sale at any licensed public market, the state stock inspector making such inspection shall receive (1) *twenty cents (20¢)* per head for any such animal originating within the county in the state in which such market is maintained, *or transported under a market consignment permit*, and (2) *ten cents (10¢)* per head for any such animal previously inspected before removal from county as herein provided. All such fees to be paid by the owner thereof or by the person for whom the inspection is made. For inspecting any such animal before same is removed from the premises of such licensed public market the state stock inspector making such inspection shall receive ten cents (10¢) per head from the owner thereof or the person for whom the inspection is made. All such fees for inspection at such market shall be collected by the state stock inspector making the inspection at the time such inspection is made and shall be sent by him to the livestock commission for deposit in the state treasury to the credit of the livestock commission fund.

Fees —
market
inspection.

(c) A question or doubt having arisen as to the intention of the legislature and policy of the state concerning the disposition of inspection fees and expenses collected by the state stock inspectors of the State of Montana for the inspection of livestock, it is hereby declared to be the policy of this state and the intent of the said twenty-eighth legislative assembly of the State of Montana that all such inspection fees and expenses be paid to the livestock commission for deposit in the state treasury to the credit of the livestock commission fund, and that said state stock inspectors shall be paid for their services and receive for their expenses only such sums as shall be agreed upon by the livestock commission of the State of Montana and fixed and determined by the state board of examiners."

Disposition
of fees.

Section 4. That Section 46-806 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending
clause.

"46-806. **Penalties for Violations of the Act.** (a) *Any person who removes or causes to be removed from any*

Penalties.

county in the state any animal or animals of the class referred to in section 46-801; (1) without having the same inspected prior to removal where such inspection is required by law; (2) without obtaining a market consignment permit for such animal or animals, where such market consignment permit is obtainable by law; (3) and does obtain a market consignment permit for such animal or animals but does not deliver such animal or animals transported thereunder to the livestock market designated in the market consignment permit; shall be guilty of a misdemeanor and shall be punishable as hereinafter provided.

(b) Any person who sells or offers for sale at a livestock market, or removes or causes to be removed from a livestock market, any animal or animals of the class referred to in section 46-801, without having the same inspected in the manner provided shall be guilty of a misdemeanor and shall be punishable as hereinafter provided.

(c) Any person who shall ship by railroad carrier, and the railroad carrier transporting, any animal or animals of the class referred to in section 46-801 for which a loading tally has been filed as provided by section 46-1008 and for which shipment of animals an inspection has not been made, and after shipment, causes or permits such animal or animals to leave the custody of the railroad carrier at a place other than where the State of Montana regularly maintains a stock inspector, shall be guilty of a misdemeanor and shall be punishable as hereinafter provided.

(d) Any person who has in his charge any animal or animals of the class referred to in section 46-801 being removed from any county in the state, and for which an inspection certificate or a market consignment permit has been issued, and fails to have in his possession accompanying such animal or animals the inspection certificate or market consignment permit as issued for such animal or animals; or who, having such certificate of inspection or market consignment permit, fails to exhibit the same to any sheriff, deputy sheriff, constable, highway patrolman, state stock inspector or deputy state stock inspector at the request of any such person; shall be guilty of a misdemeanor and shall be punishable as hereinafter provided.

(e) Any person violating any of the provisions of this act in respect to moving, removing or transporting any

animal or animals of the class referred to in section 46-801, or in any other particular, shall be guilty of a misdemeanor and shall be punishable as hereinafter provided.

(f) Upon conviction of any person, firm, association, or corporation under this act, they shall be fined in a sum of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) or imprisoned in the county jail for a period of not more than six (6) months, or shall be punished by both such fine and imprisonment. Of all fines assessed and collected under the provisions of this act, fifty percent (50%) thereof shall be paid into the state treasury and credited to the livestock commission fund, and fifty percent (50%) thereof shall be paid into the general fund of the county in which the conviction occurred."

Section 5. This act shall be in full force and effect on and after July 1, 1953.

Approved March 4, 1953.

CHAPTER 185

An Act to Amend Section 16-1015, Revised Codes of Montana of 1947, as Amended by Chapter 169 of the Thirty-second Legislative Assembly, 1951, Relating to Taxation to Defray Current Expenses Including Salaries Otherwise Unprovided for, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 16-1015, of the Revised Codes of Montana, 1947, as amended by chapter 169 of the laws of the thirty-second legislative assembly, 1951, be, and the same is hereby amended to read as follows:

Amending
clause.

"Section 16-1015 (4465.12) **Taxation.** The board of county commissioners has jurisdiction and power under such limitations and reservations as are prescribed by law: To levy such tax annually on the taxable property of the county, for county purposes as may be necessary to defray the current expenses thereof, including the salaries otherwise unprovided for, not exceeding sixteen (16) mills on each dollar of the taxable valuation for any one year and to levy such taxes as are required to be levied by special

County
commissioners
empowered to
levy taxes
for county
purposes.

or local statutes. Provided, however, that on and after *July 1, 1953*, and extending to *June 30th, 1955*, the board of county commissioners is authorized in its discretion to levy not to exceed twenty (20) mills on each dollar of the taxable valuation for any one year."

Repealing
clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 4, 1953.

CHAPTER 186

An Act to Amend Sections 38-809 and 38-812 of the Revised Codes of Montana, 1947, Pertaining to Applications Into the State Training School at Boulder, Montana, and Providing for Hearings and Evidence to Determine Who Shall be Admitted, and Making the Amount of Money to be Paid by the Person Legally Liable for the Support of the Person to be Admitted a Sum of Not to Exceed Two Dollars (\$2.00) Per Day.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 38-809 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

County wel-
fare board—
duty as to
approved
applications.

"38-809. Duty of Board as to Approved Applications — Board Required to Determine Amount Paid by Person Admitted or Parents. (1) When an application has been filed with a county board of public welfare, and the reports of the member of the staff investigating such application, and the report of the county physician of his examination of the person named therein, have been filed with such board, if such board finds and determines that he is a proper person to be placed in such training school, such board shall ascertain from the superintendent thereof if there is room for his accommodation in such school, and if there is, the board may then make an order approving such application, and authorizing the transportation to and the placing of such person in such school, and if it appears to such board that the person named in said application has means, money or property out of which the cost of his transportation, care, maintenance, clothing and

other necessary personal expenses in such school, or some part thereof could be paid, or that he has parents, or other relatives legally liable for his support and maintenance who are financially able to pay for such transportation, care, maintenance, clothing and other necessary personal expenses while in such school, or a part thereof, the board shall make an order requiring the person or persons having possession of any of said moneys, means or property, or such parents or other relatives, to appear before such board, at a time and place fixed in said order, to testify before such board regarding any such money, means or property of such person or the financial ability of such parents or other relatives to pay for such transportation, care, maintenance, clothing and other necessary expenses.

“(2) After hearing such evidence and examining the report of the investigator filed with such board, the board shall fix and determine the amount, if any, to be paid for such transportation, maintenance, care, clothing and other necessary expenses while in such school out of any money, means or property of such person, or by his parents or other relatives who are legally liable for his support and maintenance; provided, however, that the amount fixed in such order shall not exceed *two dollars (\$2.00)* per day for such maintenance, care, clothing and other necessary expenses at such school. The county clerk shall make certified copies of the application filed with such board, and of the order of such board approving such application and authorizing the placing of such person in such school and fixing the amount to be paid, if any, by such parents, guardian, or relatives, for his maintenance and support, which shall be given the officer or other person taking him to such school, and by him delivered to the superintendent of such school and the same shall be the authority of such superintendent for receiving and keeping him in such school.”

Board to determine amount to be paid by person admitted or parents.

Section 2. That Section 38-812 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending clause.

“38-812. **Citation to Persons Liable to Testify as to Financial Condition — Order for Support.** If it appears to the court on such hearing that the person named in such application has money, means or property out of

Citation to persons liable to testify as to financial condition.

Order for
support.

which the cost of transportation and care, maintenance, clothing and other necessary personal expenses of such person in such school, or some part thereof could be paid, or has parents or other relatives legally liable for his support and maintenance and financially able to pay the same, or a part thereof, a citation may be issued by the court to the person or persons having possession of such moneys, means or property, or any part thereof, and to said parents or other relatives, requiring them to appear and testify concerning such property, or their financial ability to pay for such transportation, care, maintenance, clothing and other expenses at such school, and on such hearing the court may make such order or orders as may be deemed proper for the payment thereof, or some part thereof, out of the moneys, means or property of such person or by such parents or other relatives, which order or orders shall be filed in the office of the clerk of the court, and such clerk shall make a certified copy thereof and deliver the same to the county board of public welfare; provided, however, that the amount fixed in such order shall not exceed *two dollars (\$2.00)* per day for such maintenance, care, clothing and such other expenses at such school."

Approved March 4, 1953.

CHAPTER 187

An Act to Amend Section 84-4908 Revised Codes of Montana, 1947, as Amended by Section 1 of Chapter 207 of the Laws of 1949 Relating to Deductions Allowed in Computing Net Income for Purposes of Personal Income Taxation and Providing for Deductions of Medical and Related Expenses and Repealing All Acts and Parts of Acts in Conflict Therewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 84-4908 of the Revised Codes of Montana, 1947, as amended by section 1 of chapter 207 of the laws of 1949, be, and the same is hereby amended to read as follows:

Deductions
allowed in
computing
net income.

"In computing net income, there shall be allowed as deductions:

(1) All the ordinary and necessary expenses paid or incurred during the taxable year in carrying on any trade or business, or in the production of income required to be included in gross income under this act, including a reasonable allowance for salaries or other compensation for personal services actually rendered, and including rentals or other payments required to be made as a condition to the continued use or possession, for purposes of the trade or business, of property to which the taxpayer has not taken or is not taking title or in which he has no equity.

(2) All interest paid or accrued during the taxable year on indebtedness.

(3) Taxes, other than death succession, inheritance, estate, legacy, gift and taxes imposed by this act, paid or accrued within the taxable year and imposed, first, by the authority of the United States, or of any of its possessions, or second, by the authority of any state or territory, or any county, school district, municipality, or other taxing subdivision of any state or territory, not including those assessed against local benefits of a kind tending to increase the value of the property assessed, or third, by the authority of any foreign government. The board shall have authority to require the presentation of receipts or other satisfactory evidence that any taxes claimed as a deduction under this subdivision were paid.

(4) Losses sustained during the taxable year and not compensated for by insurance or otherwise, if incurred in trade or business.

(5) Losses sustained during the taxable year and not compensated for by insurance or otherwise, if incurred in any transaction entered into for profit, though not connected with trade or business; but in the case of a taxpayer other than a resident of this state, only as to such transactions in real property or in tangible personal property having an actual situs within this state.

(6) Losses sustained during the taxable year of property not connected with the trade or business (but, in the case of a taxpayer other than a resident, only of real property or tangible personal property having an actual situs within this state) if arising from fires, storms, shipwrecks,

or other casualty or from theft, and not compensated for by insurance or otherwise.

(7) Debts which became worthless and charged off within the taxable year. In the case of a debt existing on January 1, 1933, no more than its fair market value on that date shall be deducted. A worthless debt arising after January 1, 1933, from unpaid wages, salary, rent, or any similar item with reference to which any person or fiduciary may be taxable, is not an allowable deduction unless the income which such item represents has been included as income by the taxpayer in a return rendered under this act.

(8) A reasonable allowance for the exhaustion, wear and tear of property, the income from which is required to be included in gross income under this act, used in the trade or business, including a reasonable allowance for obsolescence.

(9) In the case of mines, other natural deposits, oil and gas wells and timber, a reasonable allowance for depletion and for depreciation of improvements, according to the peculiar condition in each case, such reasonable allowance in all cases to be made under rules and regulations to be prescribed by the state board of equalization; provided, however, for the purpose of determining depletion, depreciation and obsolescence in all cases not expressly provided for in this act, the provisions of the most recent act of the congress of the United States, commonly known as the federal income tax act, and the rules, regulations and decisions thereunder, insofar as same are applicable and pertinent and not repugnant to or inconsistent with the express provisions of this act, shall be the rule of decision by the state board of equalization.

(10) Contributions or gifts made within the taxable year to or for the use of:

(a) The United States, any state, territory or any political subdivision thereof, or the District of Columbia, for exclusively public purposes;

(b) Any corporation, or trust, or community chest fund, or foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or ani-

mals, no part of the net earnings of which inures to the benefit of any private shareholder or individual; or to the special fund for vocational rehabilitation act;

(c) Posts or organizations of war veterans, or auxiliary units or societies of any such posts or organizations, if such posts, organizations, units or societies are organized in the United States or any of its possessions, and if no part of their net earnings inures to the benefit of any private shareholder or individual; or

(d) Fraternal society, order or association operating under the lodge system, but only if such contributions or gifts are to be used exclusively for religious, charitable, scientific, literary or educational purposes, or for the prevention of cruelty to children or animals; to an amount which in all the above cases combined shall not in the aggregate exceed fifteen per centum (15%) of the taxpayers' net income as computed without the benefit of this subdivision. Such contributions or gifts shall be allowable as deductions only if verified under rules and regulations prescribed by the board.

(11) Alimony paid periodically under a decree of divorce. All such payments to constitute taxable income to payee named in the decree.

(12) In the case of a taxpayer other than a resident of this state the deductions allowed in this section shall be allowed only if, and to the extent that they are connected with income arising from sources within the state, and with reference to which a non-resident taxpayer is taxable under this act; and the proper apportionment and allocation of the deductions with respect to sources of income within and without this state shall be determined under rules and regulations to be prescribed by the state board of equalization.

(13) *Expenses paid during the taxable year not compensated for by insurance, or otherwise, for medical care of the taxpayer, his wife or a dependent specified in Subdivision 3 of Section 84-4910, Revised Codes of Montana, 1947.*

Medical care expenses.

The deduction under this subsection shall not exceed in excess of twelve hundred fifty dollars (\$1250.00) multiplied by the number of exemptions allowed under Section

Limitation.

84-4910, Revised Codes of Montana, 1947, for the taxable year with a maximum deduction of twenty-five hundred dollars (\$2500.00); provided, however, that the maximum deduction shall be five thousand dollars (\$5000.00) in the cases where the husband and wife file one return. The term 'medical care' as used in this subsection shall include amounts paid for the diagnosis, care, medication, treatment or prevention of disease, or for the purpose effecting any structure or function of the body, and all travel and living expenses incidental to such medical care. The term 'medical care' shall also apply to all amounts paid for accident and health insurance. Provided, however, that any travel expense or living expenses shall not be included where the taxpayer, his wife or dependents change their place of residence or living for the purpose of benefiting their health even if such removal or change is as the result of the advice of a medical or health authority. The determination of whether an individual is married at any time during the taxable year shall be made in accordance with Subdivision 4 of Section 84-4910, Revised Codes of Montana, 1947.'

Repealing
clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective
date.

Section 3. This act shall be in full force and effect for the taxable year, 1953, and for such purpose, shall be effective from and after January 1, 1953.

Approved March 4, 1953.

CHAPTER 188

An Act to Amend Section 1 of Chapter 1 of the Session Laws of the Thirty-second Legislative Assembly of Montana Authorizing the State Fish and Game Warden to Make Payment to Counties in Lieu of Taxes for the Purpose of Reimbursing Said Counties, Either in Whole or in Part, for Loss of Taxes on Real Property Resulting From the Acquisition of Land for the Use and Benefit of the Fish and Game Commission and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 1 of chapter 1, of the session laws of the thirty-second legislative assembly of Montana, be, and the same is hereby amended to read as follows:

Amending
clause.

“Section 1. The state fish and game warden shall, on or before the *15th day of October*, of each year, prepare and transmit a voucher to the treasurer of each county wherein the State of Montana fish and game department owns any lands acquired by it for its purposes as provided by law, which voucher shall describe the lands situate within the county and state the number of acres in each parcel thereof and shall authorize the drawing of a warrant to the county in a sum equal to *the amount of taxes which would be payable on county assessment of said property were it owned by and taxable to a private citizen for the total acreage* shown on the voucher. Each county treasurer receiving such a voucher shall execute the same and return it to the state fish and game warden, who shall approve it and transmit it to the state auditor. The state auditor shall draw a warrant in the amount shown on each voucher, payable to each county, and shall transmit said warrant to the county treasurer thereof. Such warrant shall be payable out of any funds to the credit of the state fish and game commission: Provided, that no voucher shall include and no payment shall be made to any county wherein the State of Montana fish and game department owns less than one hundred (100) acres, and no voucher shall include and no payment shall be made to any county for any lands owned by the State of Montana fish and game department for game bird farm or fish hatchery purposes.”

Fish and game
warden to
make
payment
in lieu of
taxes to
counties on
real property.

Proviso.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing
clause.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Effective
immediately.

Approved March 4, 1953.

CHAPTER 189

An Act Authorizing Disposition of Certain Obsolete State Records and Creating a Committee to Select Such Records; Relating to the Establishment of a Microfilm Divi-

sion in the Historical Society of Montana, Specifying the Powers and Duties of the Librarian of the Historical Society of Montana in Relation Thereto, and Making an Appropriation Therefor; Repealing Section 59-513 of the Revised Codes of Montana, 1947; Amending Section 59-516 of the Revised Codes of Montana, 1947, Relating to Certain Records Not to be Destroyed by Striking Out the Word "State;" and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Destruction
of certain
state records
permitted.

Section 1. The librarian of the historical society of Montana, hereinafter referred to as the librarian, is authorized, and it shall be his duty, to cause to be destroyed such state records more than ten years old as shall be determined to be of no further value either for administrative or historical purposes when authorized in writing by a committee hereinafter created.

State records
committee
created,
membership,
duties.

Section 2. A committee to be known as the state records committee, composed of the librarian, the attorney general, the secretary of state, the state examiner, the state controller, and the state auditor, hereinafter referred to as the committee, is hereby created and it shall be the duty of such committee to determine what records shall be authorized to be destroyed. Authorization shall be by unanimous vote of the committee entered upon an authenticated list of records authorized to be destroyed. Copy of such authorization, accompanied by said authenticated list, shall be filed as a public record in the office of the secretary of state.

Lists of
records to be
prepared.

Section 3. Upon the taking effect of this act, all departments, commissions, and other agencies of the state government, shall, upon request of the committee, prepare lists, upon blanks to be furnished by the librarian, of records which, in the judgment of the executive officer of such department, commission or agency, are of no further administrative or historical value.

Historical
society
librarian to
arrange for
destruction.

Section 4. The librarian shall arrange for the destruction of records as directed by the committee.

Section 5. The librarian shall establish in his department a division to be known as the microfilm division for the preservation by photographic methods of state records required or permitted by law to be preserved, and may employ such personnel as may be necessary for the proper and efficient operation of the division. Provided, however, that it shall be the duty of the department, commission or agency which records are to be preserved to prepare said records as the librarian shall direct.

Librarian to establish a microfilm division — to preserve certain records.

Section 6. The librarian may, with the approval of the governor, do any or all of the following:

Power of librarian.

(a) Acquire such equipment as may be necessary for the proper functioning of the division.

(b) Provide suitable space for the occupancy of the division, and cause such alterations and repairs to be made in his offices as may be necessary or convenient for that purpose.

(c) Do all things necessary to preserve valuable state records.

Section 7. There is hereby appropriated to the librarian of the historical society of Montana, out of any funds in the state treasury, not otherwise appropriated, the sum of twenty thousand dollars (\$20,000.00) to be expended for the establishment and support of the microfilm division for the fiscal year beginning July 1, 1953, and terminating June 30, 1954.

Appropriation microfilm division — July 1, 1953, to June 30, 1954.

Section 8. Without hereby limiting the powers of the librarian of the historical society of Montana, as in this act otherwise provided, the amounts appropriated in the foregoing section may be expended for the following purposes:

Purposes of appropriation.

(a) For salaries and wages, the sum of
eight thousand five hundred dollars.....\$8,500.00

(b) For maintenance and operation,
the sum of three thousand dollars.....\$3,000.00

(c) For repairs and replacements, the
sum of five hundred dollars.....\$ 500.00

(d) For capital outlay, the sum of
eight thousand dollars.....\$8,000.00

Appropriation
for microfilm
division —
July 1, 1954, to
June 30, 1955.

Section 9. There is hereby appropriated to the librarian of the historical society of Montana, out of any funds in the state treasury, not otherwise appropriated, the sum of eleven thousand dollars (\$11,000.00) to be expended for the support of the microfilm division for the fiscal year beginning July 1, 1954, and terminating June 30, 1955.

Purposes of
appropriation.

Section 10. Without hereby limiting the powers of the librarian of the historical society of Montana, as in this act otherwise provided, the amounts appropriated in the foregoing section may be expended for the following purposes:

- (a) For salaries and wages, the sum of
eight thousand five hundred dollars.....\$8,500.00
- (b) For maintenance and operation, the
sum of two thousand dollars.....\$2,000.00
- (c) For repairs and replacements, the sum
of five hundred dollars.....\$ 500.00

Repealing
section 59-513,
R.C.M., 1947.

Section 11. That Section 59-513, Revised Codes of Montana, 1947, be, and the same is hereby repealed.

Amending
clause.

Section 12. That Section 59-516, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Certain records
not to be
destroyed.

“59-516. **Certain Records Not to Be Destroyed.** Under no circumstances shall any claim, warrant, voucher, bond or treasurer’s general receipt be destroyed by any county, city or town officer.”

Repealing
clause.

Section 13. All acts or parts of acts which are inconsistent with the provisions of this act are hereby repealed.

Approved March 4, 1953.

CHAPTER 190

An Act Providing That No Contract of Employment Relating to Planning or Construction of Public Building, Works or Improvement of the State of Montana, or of Any County, City or School District in the State Shall be Entered Into With Any Architect Not Holding a Certificate to Practice Architecture in This State; Providing a Maximum Rate of Compensation to Architects for All Services Relating to the Planning or Construc-

tion of Public Buildings, Works or Improvements to be Based Upon Actual Cost of Construction.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. No contract for the employment of or the rendering of professional services by any architect relating to the planning or construction of public buildings or other public works or improvements shall hereafter be entered into by the State of Montana or any board, department or agency thereof, or any county, city or school district in the state unless such architect shall be the holder in good standing of a certificate by the board of architectural examiners of the State of Montana entitling him to practice architecture in this state.

No public contract to be entered into with architect not holder of valid Montana certificate.

Section 2. No payment for professional services of any architect or architects, relating to the planning or construction of public buildings of the State of Montana, or any agency thereof, or of any county, city, or school district in the state, shall hereafter be made at any greater rate of compensation for such professional services than hereinafter set forth; and no contract for professional services of any architect or architects, relating to the planning or construction of any such public buildings, works or improvements, shall hereafter be entered into by any board, department or agency of the State of Montana, or of any county, city or school district in the state which shall provide for payment of any greater rate of compensation for such professional services than the following percentages of actual cost of construction of such buildings, works or improvements, to wit:

Maximum rates for architectural and planning services established.

Construction Cost	Architects' Maximum Rate of Compensation
Less than \$50,000	7.50 %
\$50,000 to \$100,000	6.25 %
\$100,000 to \$200,000	6.10 %
\$200,000 to \$400,000	6.00 %
\$400,000 to \$600,000	6.00 %
\$600,000 to \$800,000	5.75 %
\$800,000 to \$1,000,000	5.50 %
\$1,000,000 to \$2,000,000	5.00 %
\$2,000,000 to \$3,000,000	4.25 %
\$3,000,000 to \$4,000,000	3.75 %
Over \$4,000,000	3.50 %

Rate established to be in full compensation.

Proviso.

Additional 3% for alteration of existing buildings.

Schedule of payment.

Repealing clause.

Section 3. Said rate of compensation shall constitute full payment for all services and functions whatsoever of the contracting architect or architects and his and their employees and subcontractors including, but not limited to, consultation, preliminary studies, sketches, and estimates of costs, preparation of working drawings and working plans and specifications, preparation of advertisements of bids, bid forms, certificates of estimates, and inspection and supervision of construction; provided, however, that if the architect is caused extra drafting or other expense due to changes ordered by the owner, or due to the delinquency or insolvency of the owner or contractor, or as a result of damage by fire, he shall be equitably paid for such expense and the services involved.

Three per cent (3%) shall be added to the maximum rate of compensation, as above set forth for alterations to existing buildings. All compensation payable under this act may be distributed and paid in accordance with the following schedule, to wit:

20% upon completion of studies and preliminary drawings
55% upon completion of working drawings and specifications
25% during construction, based on contract payment.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 4, 1953.

CHAPTER 191

An Act to Amend Sections 87-103 and 87-104 of the Revised Codes of Montana, 1947, as Amended by Chapter 178, Laws of Montana, 1949, 87-105, 87-106 and 87-109 of the Revised Codes of Montana, 1947, Which Sections Are a Part of the Unemployment Compensation Law, by Increasing the Maximum Weekly Benefits and Changing the Qualifications Therefor; Extending the Duration of Benefits; Changing Disqualifications for Benefits; Revising Employer Contribution Rates; Providing a Saving Clause; Repealing All Acts and Parts of Acts in Conflict Herewith; and Providing an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 87-103 of the Revised Codes of Montana, 1947, as amended by chapter 178, laws of Montana of 1949, be, and the same is hereby amended to read as follows:

Amending
clause.

“87-103. **Benefits.** (a) Payment of benefits. Thirty (30) months after the date when contributions first accrue under this act from the employer, benefits shall become payable from the fund to any individual, who thereafter is or becomes unemployed and eligible for benefits as is herein prescribed; provided, however, that wages earned for services performed as an employee representative as defined in the railroad unemployment insurance act (52 Stat. 1094), or for services performed for an employer, as defined in said act, shall not be included for the purposes of determining eligibility or weekly benefit amount under this act with respect to any benefit year commencing on or after July 1, 1939, nor shall any benefits with respect to unemployment occurring on and after July 1, 1939, be payable on the basis of such wages under any provisions of this act. All benefits shall be paid through public employment offices in the State of Montana, or other agencies designated by the commission, in accordance with such rules and regulations as the commission may prescribe.

Payment
of benefits.

“(b) Weekly Benefit Amount — *Except as provided in section (c), an insured worker's weekly benefit amount shall be the amount in column B of the benefit schedule of this subsection on the line on which in column A there appears his total wages paid for insured work in that quarter of his base period in which his wages were highest: (designated in the benefit schedule as 'high quarter wages')*

Weekly benefit
amount.

Benefit Schedule

Weekly benefit amount figures from weighted schedule of high-quarter wages and qualifying wages computed as one and one-half times high-quarter wages and maximum potential benefits in benefit year.

Benefit schedule.	High Quarter Wages	Weekly Benefit Amount	Minimum Qualifying Wages	Maximum Total Benefits (at 20 weeks)
	(Column A)	(Column B)	(Column C)	(Column D)
	\$170.00-189.99	\$ 7.00	\$255.00	\$140.00
	190.00-209.99	8.00	285.00	160.00
	210.00-239.99	9.00	315.00	180.00
	240.00-269.99	10.00	360.00	200.00
	270.00-299.99	11.00	405.00	220.00
	300.00-329.99	12.00	450.00	240.00
	330.00-359.99	13.00	495.00	260.00
	360.00-389.99	14.00	540.00	280.00
	390.00-419.99	15.00	585.00	300.00
	420.00-449.99	16.00	630.00	320.00
	450.00-479.99	17.00	675.00	340.00
	480.00-509.99	18.00	720.00	360.00
	510.00-539.99	19.00	765.00	380.00
	540.00-569.99	20.00	810.00	400.00
	570.00-599.99	21.00	855.00	420.00
	600.00-629.99	22.00	900.00	440.00
	630.00 or more	23.00	945.00	460.00

Such benefit shall not be more than twenty-three dollars (\$23.00) per week nor less than seven dollars (\$7.00) per week.

Qualifying
wages, how
computed.

“(c) Qualifying Wages — To qualify as an insured worker an individual must have been paid wages for insured work in his base period totalling not less than the amount in column C of the benefit schedule in subsection (b) on the line on which in column B there appears his weekly benefit amount, and such wages must have been paid in at least two quarters of his base period: provided, that if any individual during his base period has not been paid such an amount but has been paid wages totalling not less than the amount appearing in column C on a line not more than three lines above, he can qualify as an insured worker and his benefit amount shall be the amount appearing in column B opposite the minimum qualifying wage which he has received.

Wage record,
kept by
commission.

“(d) Wage Record. The commission shall maintain a record of the wages paid to an individual in accordance

with wages earned by him for employment by employers during each quarter."

Section 2. That Section 87-104 of the Revised Codes of Montana, 1947, as amended by chapter 178, laws of Montana of 1949, be, and the same is hereby amended to read as follows:

Amending
clause.

"87-104. **Duration of Benefits.** The maximum total amount of benefits payable to any eligible individual during any benefit year shall not exceed *twenty (20)* times his weekly benefit amount."

Duration of
benefits
20 weeks
maximum.

Section 3. That Section 87-105 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending
clause.

"87-105. **Benefit Eligibility Conditions.** An unemployed individual shall be eligible to receive benefits with respect to any week only if the commission finds that —

Benefit
eligibility
conditions.

"(a) He has registered for work at and thereafter has continued to report at an employment office in accordance with such regulation as the commission may prescribe, except that the commission may, by regulation, prescribe that such types of cases or situations with respect to which it finds that compliance with such requirements would be oppressive, or would be inconsistent with the purposes of this act, provide for registration and reporting for work by mail or through other governmental agencies.

Registered
for work.

"(b) He has made a claim for benefits in accordance with the provisions of section 87-107 (a).

Claimed
benefits.

"(c) He is able to work and is available for work and is seeking work, provided, however, that no claimant shall be considered ineligible in any week of unemployment for failure to comply with the provisions of this subsection if such failure is due to an illness or disability which occurs after he has registered for work and no suitable work has been offered to such claimant after the beginning of such illness or disability.

Able, available
and seeking
work.

Proviso.

"(d) Prior to any week for which he claims benefits he has been totally unemployed for a waiting period of two (2) weeks. No week shall be counted as a week of total unemployment for the purposes of this subsection:

Two-week
waiting period.

- (1) If benefits have been paid with respect thereto;
- (2) Unless the individual was eligible for benefits with respect thereto;
- (3) Unless it occurs within the benefit year of the claimant;
- (4) Unless it occurs after benefits first could become payable to any individual under this act."

Amending
clause.

Section 4. That Section 87-106 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Disqualification
for benefits.

"87-106. **Disqualification for Benefits.** An individual shall be disqualified for benefits —

Voluntary quit.

"(a) If he has left work voluntarily, for a period of not less than one (1) or more than five (5) weeks (in addition to and immediately following the waiting period) as determined by the commission according to the circumstances in each case. *No benefit payments or amounts thereafter paid such individual shall ever be charged under section 87-109 against the employer (whose employment the individual voluntarily left) on account of that particular employment, unless and until the commission shall determine (upon hearing and after at least ten (10) days written notice thereof to said employer) that the individual voluntarily left work for good cause based solely upon objectionable conditions or terms of the employment and attributable entirely to the employer.*"

No charge
back unless
good cause
for leaving.

Discharge for
misconduct.

"(b) If he has been discharged for misconduct connected with his work or affecting his employment, for a period of not less than one (1) nor more than nine (9) weeks (in addition to and immediately following the waiting period) as determined by the commission in each case according to the seriousness of the misconduct. *No benefit payments or amounts thereafter paid such individual shall ever be charged under section 87-109 against the employer (from whose employment the individual was discharged for misconduct as above provided) on account of that particular employment, unless and until the commission shall determine (upon hearing and after at least ten (10) days written notice thereof to the said employer)*

No charge
back unless
misconduct
negated.

that the individual was not guilty of misconduct as above provided, or that his discharge was not for that reason.

“(c) If he failed, without good cause, either to apply for available work when so directed by the employment office or the commission or to accept work *offered to him which he is physically able and mentally qualified to perform*, or to return to his customary self-employment (if any) when so directed by the commission. Such disqualification shall continue for the week in which such failure occurred and for not less than the one (1) nor more than the five (5) weeks which immediately follow such week (in addition to the waiting period) as determined by the commission according to the circumstances in each case.

Failure to
apply for
available
work — or
accept suit-
able work.

“(1) In determining whether or not any work is suitable for an individual, the commission shall consider the degree of risk involved to his health, safety, and morals, his physical fitness and prior training, his experience and previous earnings, his length of unemployment and prospects for securing local work in his customary occupation, and the distance of the available work from his residence.

Determination
of suitability.

“(2) Notwithstanding any other provisions of this act, no work shall be deemed suitable and benefits shall not be denied under this act to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

“(a) If position offered is vacant due directly to a strike, lockout, or other labor dispute;

“(b) If the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality;

“(c) If as a condition of being employed the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

“(d) For any week with respect to which the commission finds that his total unemployment is due to a stoppage of work which exists because of a labor dispute at the factory, establishment, or other premises at which he is or was last employed, provided that this subsection

Unemployment
due to labor
dispute.

Proviso.

shall not apply if it is shown to the satisfaction of the commission that —

“(1) He is not participating in or financing or directly interested in the labor dispute which caused the stoppage of work; and

“(2) He does not belong to a grade or class of workers of which immediately before the commencement of the stoppage, there were members employed at the premises at which the stoppage occurs, any of whom are participating in or financing or directly interested in the dispute;

Separate
branches
may be
considered
establishments.

“Provided, that if in any case separate branches of work which are commonly conducted as separate business in separate premises are conducted in separate departments of the same premises, each such department shall, for the purposes of this subsection, be deemed to be a separate factory, establishment, or other premises, provided, further, that if the commission, upon investigation, shall find that such labor dispute is caused by the failure or refusal of any employer to conform to the provisions of any law of the State of Montana or of the United States pertaining to collective bargaining, hours, wages or other conditions of work, such labor dispute shall not render the workers ineligible for benefits.

Receipt of
payments in
other forms.

“(e) For any week with respect to which he is receiving or has received payment in the form of —

“(1) Wages in lieu of notice or separation or termination allowance;

“(2) Compensation for temporary or total disability under the workmen's compensation law of this, or, any state or under a similar law of the United States;

“(3) Benefits under the railroad unemployment insurance act or any state unemployment compensation act or similar laws of any state or of the United States.

Leaving to
attend school.

“(f) During the school term or customary vacation periods within the school term, if claimant has left his most recent work for the purpose of attending an established educational institution, or if claimant is a student regularly attending an established educational institution.

Leaving
to be wed —
loss of wages,
credits, also.

“(g) For any week wherein claimant leaves her most recent work to be married. Such disqualification shall

continue until such time as subsequently to such week additional wage credits in employment for employers shall have been earned so as to be eligible for benefits under section 87-105."

(h) Where retired and receiving retirement compensation from benefits chargeable against the employer from whose employment he was retired, all wages earned by such individual in employment from which he has been regularly retired shall not be considered or included in determining his wage credits or weekly benefit amount or aggregate earnings under section 87-103, as amended, and 87-105 and no benefit payments or amounts thereafter paid such individual shall ever be charged under section 87-109 against the employer (from whose employment the individual was regularly retired) on account of that particular employment, unless and until the commission shall determine (upon hearing had after at least ten (10) days written notice thereof to said employer) that the individual was not regularly retired by the employer acting in good faith.

Receipt of retirement benefits chargeable to employer.

(i) For any week wherein claimant leaves her most recent work to change her place of residence in order to remain with her husband or family. Such disqualification shall continue until such time as subsequently to such week additional wage credits shall have been earned so as to be eligible for benefits under section 87-105.

Leaving to be with family — loss of wages, credits, also.

(j) For any week wherein claimant leaves her most recent work during pregnancy, and due to such pregnancy. At any time after the seventh month of pregnancy a claimant, to establish eligibility, must present evidence of physical ability to work at such employment. Further, for any week wherein claimant leaves her most recent employment following childbirth, a claimant within the first two (2) months following such childbirth, to establish eligibility, must present evidence of her physical ability to work at such employment. In either of the cases set forth hereinbefore, such evidence of eligibility must be in the form of a certificate of a duly licensed physician that such claimant is physically able to work at her most recent employment.

Leaving due to motherhood.

Limitations.

Amending
clause.

Section 5. That Section 87-109 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Employer
contributions.

Payment —
on and after
Jan. 1, 1937.

“87-109. **Contributions.** (a) Payment. (1) On and after January 1, 1937, contributions shall accrue and become payable by each employer for each calendar year in which he is subject to this act, with respect to wages, as defined in section 87-149 (c), paid for employment (as defined in this act) occurring during such calendar year. Such contributions shall become due and be paid by each employer to the commission for the fund in accordance with such regulations as the commission may prescribe and shall not be deducted, in whole or in part, from the wages of individuals in his employ.

“(2) In the payment of any contributions, a fractional part of a cent shall be disregarded unless it amounts to one-half ($\frac{1}{2}$) cent or more, in which case it shall be increased to one (1) cent.

Employers
rate of
contribution.

“(b) Rate of Contribution. (1) Each employer shall pay contributions equal to the following percentages of wages, as defined in section 87-149 (c) paid by him with respect to employment.

“(A) One and eight-tenths (1.8) per centum with respect to employment during the calendar year 1937;

“(B) Two and seven-tenths (2.7) per centum with respect to employment during the calendar year 1938, 1939, 1940, 1941 and for each calendar year thereafter, except as herein provided in subsection (C) of this section;

Experience
rating, 1947
and
thereafter.

“(C) Experience Rating. The commission shall for the calendar year 1947, and for each calendar year thereafter, classify employers in accordance with their actual contribution and unemployment experience and shall determine for each employer the rate of contribution which shall apply to him throughout the calendar year in order to reflect said experience and classification.

“The commission shall apply such form of classification or experience rating system which is best calculated to rate individually and most equitably the employment for each employer and to encourage the stabilization of employment.

Factors in
employer
classification.

“In making such classification, the commission shall take account, each to an equal extent, of the following

factors relating to the unemployment hazard shown by each employer on the basis of (1) average annual *net* percentage declines in taxable payrolls for the last three (3) preceding calendar years; (2) number of years the employer has paid contributions; and (3) chargebacks to the individual employer account upon the last employer basis. The computation date is hereby fixed as of the close of business on June 30th of the preceding calendar year.

“The rates for the calendar year 1953, and thereafter, except as hereinafter provided, shall be so fixed that they would, if applied to all employers and their total taxable annual payrolls for the preceding calendar year, have yielded total paid contributions equalling approximately *one and two-tenths (1.2)* per centum of the total of all such payrolls.

Rates, 1953,
and
thereafter.

“The commission shall determine the contribution rate applicable to each employer for any calendar year subject to the following limitations:

“(1) Each employer's rate shall be two and seven-tenths (2.7) per centum unless and until there have been five calendar years throughout which the employer has paid contributions at the rate of two and seven-tenths (2.7) per centum.

“(2) The classified contribution rates for the calendar year 1947, and thereafter, except as hereinafter provided, shall be: one (1.0) per centum, one and one-half (1.5) per centum, two (2.0) per centum, two and one-half (2.5) per centum, and two and seven-tenths (2.7) per centum. *The classified contribution rate for the calendar year 1953, and thereafter, except as hereinafter provided, shall be: five-tenths (.5) of one per centum, seven-tenths (.7) of one per centum, nine-tenths (.9) of one per centum, one and one-tenth (1.1) per centum, one and three-tenths (1.3) per centum, one and five-tenths (1.5) per centum, one and seven-tenths (1.7) per centum, one and nine-tenths (1.9) per centum, two and one-tenth (2.1) per centum, two and three-tenths (2.3) per centum, two and five-tenths (2.5) per centum, and two and seven-tenths (2.7) per centum.*

(3) No employer shall be assigned a classified contribution rate higher than the second classified rate above the rate which was assigned to him for the last preceding calendar year except as hereinafter provided.

“(4) No employer’s rate shall be fixed below two and seven-tenths (2.7) per centum whose average benefit payments charged as most recent employer have, in the *last* three preceding calendar years, exceeded the average amount of his contributions for those years.

“(5) Rates as fixed by the commission shall stand and be in effect unless and until the cash reserves in the unemployment compensation trust fund at any time in the future fall below eighteen million dollars (\$18,000,000.00), then the contribution rate of all employers subject to this act shall immediately return to a uniform rate of two and seven-tenths (2.7) per centum, and shall continue at the two and seven-tenths (2.7) per centum rate until cash reserves in the unemployment compensation trust fund exceed twenty-two million dollars (\$22,000,000.00).

“(6) The commission shall by regulation adopt such procedures as may be necessary for the substitutions, merging or acquisition of an employer account by an employing unit, and the transfer of such employer account, rights, contributions, benefit experience and ratings to the successor employing unit or units.

“(7) The commission shall by regulation provide for the proper notification of employers of the classification and rate of contribution applicable to their accounts. Such notification shall be final for all purposes unless and until such employer files a written request with the commission for a redetermination or hearing thereon within thirty (30) days after receipt of such notice. The provisions of section 87-107 applicable to appeals under claims procedure shall apply with like purpose and effect, and be applicable to hearings and request for redeterminations of classifications and rates of contribution filed by employers hereunder.

“(8) ‘Annual taxable payroll’ means the total of the four quarters of taxable payrolls of an employer preceding the computation date and fixed herein.

“(D) Wages in Excess of Three Thousand Dollars. Commencing January 1, 1941, the provisions of this act requiring the payment of contributions by employers subject to this act shall apply only to wages paid up to and including three thousand (\$3000.00) dollars by an employer to an employee with respect to employment during any calendar year.”

Section 6. If any clause, sentence, section, paragraph or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid or inoperative, such judgment shall not affect, impair or invalidate the remainder of this act but shall be confined in its operation to the clause, sentence, section, paragraph or part directly adjudged to be invalid or inoperative.

Severability clause.

Section 7. All acts or parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 8. This act shall be in full force and effect from and after the date of its passage and approval and shall apply as to benefit payments under section 1 of this act as of April 1, 1953.

Effective date.

Approved March 4, 1953.

CHAPTER 192

An Act to Amend Section 81-1403. Revised Codes of Montana, as Amended by Section 1, Chapter 161 of the Session Laws of 1949, and to Fix the Salary and Provide the Qualifications for the Office of State Forester.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 81-1403, Revised Codes of Montana, 1947, as amended by section 1, chapter 161 of the session laws of 1949, be, and the same is hereby amended to read as follows:

Amending clause.

“81-1403. (1830.3) **State Forester — Appointment — Compensation — Term — Assistants — Bond.** The governor, by and with the advice and consent of the senate, shall appoint a state forester to have general charge of all the state's forests. He shall be trained and experienced in forestry and *his salary shall not exceed six thousand dollars (\$6,000.00) per annum, at the discretion of the state land board,* together with the actual, necessary expenses while engaged in outside work in connection with his office and its duties as defined by law and the regulations of the state board of land commissioners and the state board of forestry. Such expenses shall be payable monthly from the state's general fund and/or the appropriations

State forester, appointment.

Compensation.

Term.	made to those other boards to which he, by law, has been designated secretary or executive officer. His term of office shall be for four (4) years. With the consent and approval of the state board of land commissioners the <i>state forester</i> shall appoint and fix the salaries and expenses of
Assistants.	such office help, district foresters, fire wardens, cruisers, scalers, slash disposal men, and such other trained and qualified assistants as may be necessary in the administration of the state forests and the forested lands within the state. Provided, however, that consent and approval of such appointments by any board shall be restricted to those appointments made for the purposes of that board as defined by law. He shall give a satisfactory bond to the State of Montana in the sum of ten thousand dollars (\$10,000.00) as a guarantee for the faithful performance of his duties."
Bond.	
Repealing clause.	Section 2. All acts and parts or sections in conflict herewith are hereby repealed.
Effective immediately.	Section 3. This act shall take effect and be in full force from and after its passage and approval.
	Approved March 4, 1953.

CHAPTER 193

An Act to Amend Section 91-512, Revised Codes of Montana, 1947, Relating to the Duties of the Attorney General; Employment of Special Assistant, and to Increase the Salary of the Special Assistant and to Provide for Salaries and Expenses; Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.	Section 1. That Section 91-512, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:
Attorney general to advise concerning escheated property.	"91-512. The attorney general of the State of Montana shall be the legal advisor to the state treasurer in connection with all escheated property matters and it shall be the duty of the attorney general to make investigations and conduct inquiries to determine whether there is prop-

erty in the State of Montana which should escheat to the State of Montana, and to take all steps necessary to secure such escheat, and for this purpose the attorney general is authorized and empowered to employ a special assistant at a salary not to exceed six thousand dollars (\$6,000.00) per annum together with actual, necessary expenses while engaged in outside work in connection with the duties of his office as defined by law. Such salary and expenses shall be payable monthly from the escheated estates fund."

May employ special assistant at \$6,000.00 per year plus expenses.

Section 2. This act shall be in full force and effect immediately after its passage and approval.

Effective immediately.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved March 4, 1953.

CHAPTER 194

An Act to Amend Section 80-108, Revised Codes of Montana, 1947, Relating to the Admission of Nonresident Children to the School for the Deaf and Blind and Advance Payment of Costs, Repealing the Provision That Indian Children Who Are Wards of the United States Shall be Admitted to Such School on the Same Terms as Nonresidents, and Providing for Reimbursement to Said School From the Federal Government.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 80-108 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending clause.

"80-108. **Admission of Nonresident Children and Advance Payment of Cost — Indian Children.** Deaf and blind children, who are not residents of the State of Montana, upon application being made therefor, may be admitted to the school, subject to all eligibility requirements prescribed for children who are residents of the state; provided that for each such nonresident child there shall be paid to the school in advance a sum of money the amount of which shall be determined by a careful estimate of the whole per capita cost of maintaining the school during the year immediately preceding the date of the application;

School for deaf and blind — admission of non-resident children.

Ward Indians considered residents, school to be reimbursed by federal government for care.

and provided further that no nonresident child shall be admitted to the school except when the full capacity thereof is not required for children who are residents of the state. Indian children who are wards of the United States shall be eligible to, and shall be admitted to such school on the same terms as *residents*, *provided, however, that the school for the deaf and blind children shall make claim to and be entitled to receive reimbursement from the United States government for the care of such Indian children who are wards on the same basis and at the same rate as charges are made to nonresidents admitted to said school.*”

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 4, 1953.

CHAPTER 195

An Act to Amend Sections 53-114, 53-121 and 53-129, Revised Codes of Montana, 1947, Relating to Registration of Motor Vehicles to Provide for the Registration of All Motor Vehicles; to Provide for Proportional Registration in This State of Fleets of Two or More Vehicles Engaged in Interstate Commerce; to Authorize the Registrar of Motor Vehicles to Enter Into Reciprocal Agreements or Make Declaration as to Reciprocity Providing for Compliance With the Registration Requirement of Vehicles Between the Various States, Territories, the District of Columbia, Foreign Countries or Provinces; and Repealing All Acts or Parts of Acts in Conflict Therewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 53-114, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Application for registration required for each motor vehicle.

“53-114. Application for Registration of Motor Vehicles and Payment of License Fees Thereon — Proportional Registration of Fleets of Vehicles Engaged in Interstate Commerce. (1) Every owner of a motor vehicle operated or driven upon the public highways of this state shall, for each motor vehicle owned, except as herein otherwise expressly provided, file, or cause to be filed, in the office of

the county treasurer of the county wherein such motor vehicle is owned or taxable, an application for registration, or re-registration, upon blank form to be prepared and furnished by the registrar of motor vehicles, executed in duplicate, which application shall contain:

(a) Name and address of owner, giving county, school district, and town or city within whose corporate limits the motor vehicle is taxable.

Contents of application.

(b) Name and address of conditional sales vendor, mortgagee or holder of other lien against said motor vehicle, with statement of amount owing under such contract or lien.

(c) Description of motor vehicle, including make, year model, engine and serial number, manufacturer's model or letter, gross weight, type of body and, if truck, the *rated capacity*.

(d) In case of re-registration, the license number for the preceding year.

(e) Such other information as the registrar of motor vehicles may require.

“(2) Before filing such application with the county treasurer, the applicant shall submit the same to the county assessor of said county and said county assessor shall enter on said application in a space to be provided for that purpose, the full and true and the assessed valuation of said *vehicle* for the year for which said application for registration is made.

Assessor to enter valuation on application.

“(3) The applicant shall, upon the filing of said application, (1) pay to the county treasurer the registration fee, as provided in section 53-122, *section 1, chapter 219, laws of 1951, and (section 53-115)*, and shall also at such time (2) pay the *personal* taxes assessed against said vehicle for the current year of registration (unless the same shall have been theretofore paid for said year) before the application for registration or re-registration may be accepted by the county treasurer. The county treasurer is hereby empowered to make full and complete investigation of the tax status of said vehicle and any applicant for registration or re-registration must submit proof with respect thereto from the tax records of the proper county at the request of the county treasurer.

Registration, use, and property tax fees to be paid on filing application.

Tax computed
on preceding
year's levy.

“(4) The amount of taxes on said motor vehicle shall be computed and determined by the county treasurer on the basis of the levy of the year preceding the current year of application for registration or re-registration and such determination shall be entered on the application form in a space provided therefor.

Motor vehicles
assessable
Jan. 1 of
each year.

“(5) Motor vehicles are hereby declared to be assessable for taxation as of and on the first day of January in each year irrespective of the time fixed by law for the assessment of other classes of personal property, and irrespective of whether or not the levy and tax may be a lien upon real property within the State of Montana, provided that in no event shall any motor vehicle be the subject of assessment, levy and taxation more than once in each year, viz., the first day in January in each year, which shall be the time of assessment for tax purposes of motor vehicles in stock, in dealers' possession or in dead storage, as well as in use, subsequent registrations, if any, of the same vehicle in the same year not being subject to payment of taxes.

Assessment
of new cars.

“(6) The applicant for original registration of any wholly new and unused motor vehicle acquired by original contract after the first day in January of any year, and such vehicle shall not be subject to assessment and taxation for said vehicle until the first day of January of the year next succeeding, but nothing herein contained shall exempt such vehicle from taxation in the possession of any person on said assessment date.

County
treasurer —
procedure.

“(7) Upon accepting application for registration or re-registration of any motor vehicle which is subject to taxation in this state on January 1st in any year, and upon payment of taxes, the county treasurer shall stamp on said application: ‘Taxes on this vehicle due January 1st of current year paid by applicant, prior applicant or owner and this vehicle is eligible for registration.’

“Upon accepting application for registration of any motor vehicle which was not subject to taxation in this state on January 1st in any year, the county treasurer shall indicate such fact by proper entry on said application.

Registrar —
procedure.

“(8) The registrar of motor vehicles shall have authority to make proper entry on any certificate of title to any

motor vehicle respecting payment of taxes in accord with the fact."

(9) (a) *Any owner engaged in operating fleets of two or more vehicles in this state in interstate commerce may, in lieu of registration of such vehicles under the general provisions of this act, register and license such fleet for operation in this state by filing a sworn application with the registrar of motor vehicles, and filing a duplicate copy of said statement with the county treasurer or county treasurers of the proper counties of registration, declaring the total mileage operated by such vehicles in all states and in this state during the preceding calendar year and describing and identifying each such vehicle to be operated in this state during the ensuing license year. Such statement shall also designate a sufficient number of certain vehicles to be registered and licensed under this section to produce total fee payments not less than an amount obtained by applying the proportion of in-state fleet miles to total fleet miles, as reported in said statement, to the fees which would otherwise be required for total fleet registration in this state. The registrar of motor vehicles shall thereupon notify the proper county treasurer or county treasurers of the designated vehicles to be licensed, who, on payment of proper fees, will issue the licenses, and the registrar of motor vehicles shall upon payment of a fee of one dollar for each said vehicle, issue a distinctive sticker for each other vehicle named in said statement identifying it as an interstate fleet which shall be exempt from all further license and weight fee requirements of this state, which may be specified in title 53 of this code, as amended, provided, that each of such vehicles is properly and duly licensed and registered in some other state, district, possession or territory of the United States or some foreign province, state or country. The proportional registration and licensing provisions of this section shall apply to vehicles added to said fleet and operated in this state during the license year. Montana operators electing to register an interstate fleet shall comply with all requirements of this section relating to the payment of property taxes on his entire fleet. The right of out-of-state operators to proportional registration hereunder shall be subject to the terms and conditions of any reciprocity agreement or declaration made and filed by the registrar of motor ve-*

Proportional registration of fleets in interstate commerce.

Procedure.

Based on proportion of in-state miles traveled to total miles traveled.

Treasurer to issue stickers, exempting from further license and weight fee payments.

Montana operators. procedure to comply.

Out-of-state operators subject to reciprocal agreements.

hicles under the provisions of section 53-129, as herein amended.

Registrar to determine mileage proportions.

(b) Mileage proportions for interstate fleets not operated in this state during the preceding year will be determined by the registrar of motor vehicles upon the sworn application of the applicant on forms to be supplied by the registrar of motor vehicles, which will show the operations of the preceding year in other states and the estimated operation in Montana or if no operations were conducted the previous year a full statement of the proposed method of operation.

Owners' records to be preserved four years.

(c) Any owner complying with and being granted proportional registration shall preserve the records on which the application is made for a period of four full years following the year upon which said application is based. Upon request of the registrar of motor vehicles, the owner agrees to make such records available to the registrar of motor vehicles at his office for audit as to accuracy of computation and payments, or to pay the costs of an audit by the registrar of motor vehicles or his duly appointed representative at the home office of the owner. If by audit, it is determined that the owner should have registered more vehicles in Montana under provisions of this paragraph, the registrar of motor vehicles may deny such owner the right of any further benefits by reason of any reciprocal agreement or declaration until the fees for such additional vehicle or vehicles, which should have been registered are paid to the registrar of motor vehicles. All license fees which should have been paid under the provisions of this paragraph shall be a lien upon all the property of the owner and such lien shall attach at the time the license fees shall be determined by the registrar of motor vehicles and shall have the effect of an execution duly levied on such property of the owner and shall so remain until said additional fees, so determined are paid or the property sold for the payment thereof.

Registrar may audit records.

Penalty.

License fees are lien.

Amending clause.

Resident owners not to operate under foreign license, except fleet operators on proportional basis.

Section 2. That Section 53-121, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

“53-121. Resident Owners Operating Motor Vehicles Under Licenses Issued by Any State Other Than Montana Forbidden. It shall especially be provided that a

resident of the State of Montana shall not operate a motor vehicle under a license issued by any other state than Montana, *except when such vehicle is a part of an interstate fleet registered in accordance with the provisions of Section 53-114, Revised Codes of Montana, 1947, as amended.*”

Section 3. That Section 53-129, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending
clause.

“53-129. **Foreign Vehicles Used in Gainful Occupation — Registrar of Motor Vehicles May Make Reciprocal Agreements to Exempt.** (1) Before any foreign licensed motor vehicle shall be operated on the highways of this state for hire, compensation or profit, or before the owner thereof uses the vehicle while engaged in gainful occupation or business enterprise, in the State of Montana, including highway work, the owner of such vehicle shall make application to a county treasurer for registration, upon an application form furnished by the registrar of motor vehicles. Upon satisfactory evidence of ownership submitted to such county treasurer, the treasurer shall accept the application for registration and shall collect the regular license fee required for the vehicle. The treasurer shall thereupon forward to the registrar of motor vehicles such application form. The treasurer shall at the same time issue to the applicant the proper license plates or other identification markers, which shall at all times be displayed upon such vehicle, when operated or driven upon roads and highways of this state, during the period of the life of such license. Upon receipt of the application for registration, the registrar of motor vehicles shall issue to the owner of the vehicle a registration receipt. This registration receipt shall not constitute evidence of ownership, but shall only be used for registration purposes. No Montana certificate of title shall be issued for this type of registration. *This paragraph shall not be applicable to any vehicle which is a part of an interstate fleet registered and licensed under the provisions of Section 53-114, Revised Codes of Montana, 1947, as amended, nor to any vehicle covered by a valid and existing reciprocal agreement or declaration entered into as hereinafter set forth.*”

Foreign
vehicles used
in gainful
occupation
must be
registered
in Montana.

Excepting
proportional
fleet
registrants
and vehicles
under
reciprocity.

(2) (a) *The registrar of motor vehicles shall have the power to enter into agreements or arrangements with the*

Registrar
may enter
reciprocal
agreements.

duly authorized representatives of other states, the District of Columbia, territories or possessions of the United States and foreign states, provinces or countries granting exemption to owners of vehicles which are properly registered or licensed in such jurisdictions, and upon which evidence of registration is conspicuously displayed, from the payment, wholly or partially, of any taxes, fees or other charges imposed upon such owners with respect to the ownership or operation of such vehicles under the laws of this state. Such agreements or arrangements shall provide that owners of vehicles registered or licensed in this state who operate vehicles upon the highways of such other states, the District of Columbia, territories or possessions of the United States and foreign states, provinces or countries shall receive substantially equivalent exemptions, benefits and privileges as are extended to owners of vehicles from such jurisdictions in this state.

Agreements may permit recognition of out-of-state resident registrations.

(b) *Agreements or arrangements entered into under the authority herein granted may contain provisions authorizing an owner or owners of one of the states, district, territories or possessions of the United States or foreign states, provinces or countries which is a party thereto to register or license vehicles in another jurisdiction which is a party thereto. Vehicles registered or licensed in one of such jurisdictions under such provision shall be exempt from registration or licensing requirements in the other jurisdiction or jurisdictions which are parties thereto and shall be entitled to all exemptions, benefits and privileges granted with respect to other vehicles registered or licensed in such jurisdiction, as to such interstate operations.*

Agreement may provide for denial of benefits for violations.

(c) *Agreements or arrangements entered into under the authority herein granted may contain provisions denying the exemptions, benefits and privileges granted thereunder to any owner who violates conditions stated therein or who violates rules and regulations for the administration of reciprocal exemptions, benefits and privileges issued by the registrar of motor vehicles.*

Registrar authorized to examine and interpret legal requirements and exemptions.

(d) *The registrar of motor vehicles is authorized to examine the legal requirements of motor vehicle registration, license and weight fee statutes of states which grant reciprocal privileges to out-of-state owners but which do not authorize negotiation or execution of agreements by*

administrative officials and he is authorized to determine, by such examination, and to declare the extent and nature of the reciprocal exemptions, benefits and privileges to which owners of vehicles from such states shall be entitled under the laws of this state.

(e) All agreements, arrangements, declarations and rules and regulations authorized by this section shall be in writing and shall become effective when filed in the office of the registrar of motor vehicles who shall make copies available to the public upon request.

Agreements
and rules,
when
effective.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing
clause.

Section 5. This act shall be in full force and effect from and after its passage and approval.

Effective
immediately.

Approved March 4, 1953.

CHAPTER 196

An Act to Amend Section 75-3405, Revised Codes of Montana, 1947, as Amended by Chapter 189 of the Laws of the Thirty-second Legislative Assembly of the State of Montana, 1951, Relating to Contracts for Transportation of School Children, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 75-3405, Revised Codes of Montana, 1947, as amended by chapter 189 of the laws of the thirty-second legislative assembly of the State of Montana, 1951, be, and the same is hereby amended to read as follows:

Amending
clause.

“75-3405. **Contracts for Transportation.** No school money shall be paid for transportation services, or for anything in lieu of transportation, to any person, or firm, who or which does not hold a legal contract with the trustees of the district; and no payments shall be made for any days that transportation, or services in lieu thereof, for the children mentioned in the contract, is not actually furnished unless such failure to perform is excused by the board of trustees for reasons not under the control of said person or firm.

Contracts for
transportation
— restrictions
upon.

Contract forms
and execution.

Residence
of child.

Limitation on
payments for
transportation.

“Contract forms, for transportation, with minimum requirements, shall be prepared by the state superintendent of public instruction; and the county superintendent shall furnish the contract blanks to district clerks. All contracts for transportation, or anything in lieu of transportation, must be drawn in triplicate, signed by both the district clerk and the chairman of the school board, and by the parents or legally appointed guardian of the children receiving transportation; except that when transportation is furnished by a carrier, the contract shall be signed by the district clerk, the chairman of the school board and by the carrier. Each contract for individual transportation shall contain a signed affidavit by the parent or guardian of the child, as to his place of residence. One copy must be filed in the office of the county superintendent of schools, one copy retained by the district clerk and one copy given the person furnishing such service. The county superintendent of schools shall send a notice to the county treasurer, immediately after receiving a copy of each contract, which notice shall acquaint the county treasurer with the names of the contracting parties, the number of the district paying transportation, and the amount of the contract. The county treasurer shall not honor any warrant drawn in excess of the total monthly, or six-weeks transportation payment, allowed by contract, and positively shall honor no warrant drawn upon a district which does not hold a contract. Trustees shall not pay any contract installment, for transportation or services in lieu thereof, before such service has been rendered nor before the district clerk receives a report from the superintendent, principal or teacher of the school where the children receiving transportation are attending. Such report must contain a record of attendance for the monthly or six-weeks transportation period being paid for; and must state the actual number of days children were actually transported, provided, that, such reports shall not apply to regularly contracted bus transportation. It shall be the duty of all public school teachers to make such reports as are hereby required. No parent or guardian may be paid transportation for any day that children, living three (3) or more miles from school, walk to and from school. Payments for transportation furnished one way, on any school day, may be allowed; and the payment for that day shall not exceed one-half ($\frac{1}{2}$) of the amount stipulated in the contract,

for one (1) day. Before contracts are awarded to any person, concern, or common carrier, the board shall secure bids, by publishing a call for bids in three (3) issues of a newspaper having general circulation in the county, during a period of twenty-one (21) days prior to the letting of the contract; provided, that, in the event there is no newspaper published in the county, three (3) notices, calling for bids, shall be posted in three (3) separate and conspicuous places in the district. The board shall let the contract to the lowest responsible bidder; provided, that the board shall have the right to reject any and all bids."

Bids required
for contracts.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing
clause.

Approved March 4, 1953.

CHAPTER 197

An Act to Amend Section 79-902, Revised Codes of Montana, 1947, Relating to Emergency Expenditures in Excess of Appropriations; Providing for a Careful Study and Examination of the Request by the Legislative Council; Providing for the Authorization of Such Expenditures by the State Board of Examiners; and Further Providing for the Reporting of Such Expenditures by the Said Board to the Legislature; and Repealing All Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 79-902, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending
clause.

"79-902. **Emergency Expenditures in Excess of Appropriations, When Allowed.** If it shall at any time appear to the state board of examiners that due to an unanticipated increase in the number of inmates or patients of any penal, custodial or charitable institution, or that due to any unforeseen and unanticipated emergency in the case of such institutions, or that due to any unforeseen and unanticipated emergency in the case of any other state institution, educational institution, department, board, commission or bureau, the amount appropriated for the main-

Emergency
expenditures,
when
allowed.

Written
application to
legislative
council.

Council to
study and
make
recommenda-
tion to board
of examiners.

(Sic.)

Examiners to
report to
legislature
and request
deficiency
appropriation.

Repealing
clause.

Effective
date.

tenance and operation of any state institution, educational institution, department, board, commission or bureau, with all other income of the institution, if any, will be insufficient for such purposes during the year for which the appropriation was made, on written application to *the legislative council* setting forth in detail the reasons therefor, *the said legislative council shall, after careful study and examination of the request, forward such request, together with the council recommendations thereon, to the state board of examiners. Said board of examiners, after careful study and examination of the request and upon review of the recommendations made by the legislative council, shall* by an order made and entered at length, with such application, in its minutes, may authorize an expenditure to be made during such year for such purposes in such an amount in excess of such income for said year as *the* said board of examiners may deem necessary and required, and the board, managerial staff or other authority in charge of any state institution, educational institution, department, board, commission or bureau, may expend such amount, and no more, for such purposes during such year; provided that any increase in expenditure so authorized for any penal, custodial or charitable institution due to increase in number of inmates or patients, shall not exceed the cost per inmate day as set forth in the last preceding legislative budget for each such institution. *The* said board of examiners shall report to the next legislative assembly the amount expended or indebtedness or liability incurred under such authority granted by it and request that a deficiency appropriation bill be passed to take care of and pay the same."

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Section 3. This act shall be in full force and effect from and after July 1, 1953.

Approved March 4, 1953.

CHAPTER 198

An Act to Amend Section 40-1914 of the Revised Codes of Montana, 1947, Relating to Real Estate Holdings Per-

mitted Life Insurance Companies and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 40-1914 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending clause.

“40-1914. **Real Estate Holdings Permitted.** Every such life insurance company organized in this state may acquire, hold, and convey real property only for the following purposes, and in the following manner:

Restrictions on real estate holding by life insurance companies.

1. Such as shall be requisite for convenient accommodations in the transaction of its business.

2. Such as shall have been mortgaged to it in good faith by way of security for loans previously contracted for, or for moneys due.

3. Such as shall have been conveyed to it in satisfaction of debts previously contracted in the course of its dealings.

4. Such as shall have been purchased at sales on judgments, decrees, or mortgages obtained or made for such debts.

5. *Such real estate, or any interest therein, as may be held or acquired by purchase, lease or otherwise, as an investment for the production of income, and any such real estate or interest therein may thereafter be held, improved, developed, maintained, managed, leased, sold or conveyed. The aggregate investment by any such life insurance company permitted under this subdivision, including the cost of all land so purchased or leased and the estimated cost of all improvements to be made thereon, shall not exceed five percent (5%) of the total admitted assets of such life insurance company on the thirty-first day of December next preceding the date of such purchase.*

Adding management and operation to 5% of total assets of company.

“All such real property specified in subdivisions 2, 3, and 4 of this section, which shall not be necessary for its accommodation in the convenient transaction of its business, shall be sold and disposed of within two years after the company shall have acquired title to the same, or within two years after the same shall have ceased to be necessary for the accommodation of its business, and it shall not hold

Limitation on holding certain real estate.

such property for a longer period unless it shall procure a certificate from the state auditor that its interest will suffer materially by the forced sale thereof, in which event the time for the sale may be extended to such time as the state auditor shall direct in such certificate, *or unless such company shall elect to hold such property pursuant to subdivision 5 hereof.*"

Limitation
removed.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing
clause.

Approved March 4, 1953.

CHAPTER 199

An Act to Amend Section 25-235 of the Revised Codes of Montana, 1947, Relating to Fees of County Surveyors; Providing for Traveling Expenses and Expenses of Field and Office Assistants, and Repealing All Acts and Parts of Acts in Conflict Therewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 25-235 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending
clause.

"25-235 (4921) **Fees of County Surveyor.** The county surveyor is entitled to receive and collect for his own use the following fees:

Fees of county
surveyor.

For services in making a survey required by any court, or if made for the county by order of the board of county commissioners, *the sum of twelve (\$12.00) dollars for each working day and with travel expenses while away from home in the performance of the duties of his office, to be paid out of the contingent fund.*

Increasing fees,
providing
expenses.

For copies and certificates, per folio, twenty cents (20¢).

For copy of any plat of survey, two dollars (\$2.00).

Expenses of chainmen and markers, if furnished by *the* surveyor, not to exceed per day, *eight (\$8.00) dollars.*"

Repealing
clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 4, 1953.

CHAPTER 200

An Act to Amend Sections 82-1502, 82-1506 and 82-1517, Revised Codes of Montana, 1947, as Amended by Chapter 33, Laws of Montana, 1949, and Section 82-1507, Revised Codes of Montana, 1947, All Relating to State Hail Insurance; Increasing the Maximum Amount of Insurance Per Acre; Increasing the Maximum Loss Payment Per Acre; Increasing the Limit of the Reserve Fund; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 82-1502 of the Revised Codes of Montana, 1947, as amended by chapter 33, laws of Montana, 1949, be, and the same is hereby amended to read as follows:

Amending
clause.

“82-1502. **Maximum Insurance.** No more than *twelve dollars (\$12.00)* insurance shall be written on each acre of grain, which is on nonirrigated land, and not more than *twenty-four dollars (\$24.00)* per acre on irrigated land. When more than one party desires hail insurance *on the same crop* each shall be entitled to the share of the maximum *provided per acre as* represented by his interest in the crop: Either party may insure his share in the crop for any amount up to and including the maximum per acre if the others waive their right to insure.”

Maximum
insurance
limits
established.

Section 2. That Section 82-1506 of the Revised Codes of Montana, 1947, as amended by chapter 33, laws of Montana, 1949, be, and the same shall be amended to read as follows:

Amending
clause.

“82-1506. **Tax for Hail Insurance — Limitation on Levy — Liens, Effect of — Mortgages — Levies, When Payable — Hail Insurance Districts — Rates.** (1) A tax is hereby authorized and directed to be levied on all lands in this state growing crops subject to injury or destruction by hail, the owners of which have elected to become subject to the provisions of this act. The state board of hail insurance shall annually estimate as near as may be possible, the amount required to pay all losses, interest on warrants and costs of administration, and shall recommend a levy to be made on each kind of land respectively, subject to

Tax for hail
insurance.

Limitation
on levy.

the provisions of this act, to the state board of equalization. The rates recommended to apply on the lands of owners shall be applied in the same proportions to the crops of those insured on a personal assessment basis. It is hereby provided, however, that such tax shall not exceed in any one (1) year the sum of *one dollar and twenty cents (\$1.20)* per acre on lands sown to grain crops on nonirrigated lands, and the sum of *two dollars and forty cents (\$2.40)* per acre on irrigated lands, *also it shall not exceed one dollar and twenty cents (\$1.20)* per acre on lands *producing* hay crops; and provided further, that if the tax required to pay the estimated losses, interest on warrants and costs of administration be less than *sixty cents (60c)* per acre on lands sown to grain crops on nonirrigated lands and *one dollar and twenty cents (\$1.20)* per acre on irrigated lands, and a proportionate amount on lands sown to hay crops, the said board of hail insurance must recommend a tax levy sufficient to raise the full amount thereof.

Lien on land
and crops.

“(2) In addition to the lien created above on the land of the insured, the levy for such hail insurance shall also constitute a lien on the crops insured with the exception that the said crop lien shall not apply to owners of unencumbered land, or on the land or crops of those who pay cash for hail insurance. The applications of these shall not be filed with the county clerk and recorder as provided for in section 82-1503 of this act.

“The crop lien mentioned above shall be included in all applications for hail insurance and shall be enforced, as provided in sections 82-1509 and 82-1510 of this act, against all insured, except those owning unencumbered land or those who have paid cash for hail insurance.

Board of
equalization to
prescribe
levies.

“(3) The said board of equalization is hereby empowered and it is made its duty to prescribe such levies annually to be made against lands growing crops subject to injury or destruction by hail which are subject to this act, in accordance with the recommendation of the state board of hail insurance. Such tax levies respectively shall be chargeable to the lands of each taxpayer who shall elect to become subject to this act and shall be extended on the tax roll and collected by the officers charged with such duties in the manner and form as are other property taxes

and if not paid shall be a lien on the lands against which the same are levied as are other property taxes. Provided, however, that the lien as provided above shall in no way affect mortgages that are of record at the time of the approval of this act. The lien of any mortgage filed subsequent to the passage and approval of this act shall be subsequent to any lien for hail insurance hereafter levied thereon. All applicants securing hail insurance on crop liens as heretofore provided shall be subject to the same charges per acre as provided herein to be made on land. Notice of such assessment shall be mailed to each person insured, by the county treasurer in the same manner as are all other notices of taxes due. Said assessment shall be payable at the office of the county treasurers of each respective county. All insurance levies whether levied against land or in the form of special assessments secured by crop liens, shall be payable in full, and not in semi-annual payments, on or before November 30th of each year in which such levies are made.

Lien and
priority as to
mortgages.

Levies, when
payable.

“(4) The state board of hail insurance may when they deem it advisable establish as many districts as it deems advisable and may maintain maximum rates in various parts of the state which rates shall be commensurate with the risk incurred as nearly as they can determine from past experiences or from any records available. The highest of these rates shall be the same as the maximum established herein and the lowest shall not be less than *forty-eight cents (48¢)* per acre on lands sown to grain crops, and a proportionate amount on lands sown to hay crops.

Board may
establish
districts, fix
rates above
minimum.

“Notice of the various rates established for any year shall be plainly printed on the application for hail insurance, and in any year when the requirements of the hail insurance law as herein provided do not require a levy of the maximum rates as established, then the rates for the year shall be determined and levied by the state board of hail insurance for each of the various districts as established, in such proportions as will in their judgment be fair and equitable.”

Notices of
rates.

Section 3. That Section 82-1507 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending
clause.

“82-1507. **Scope and Object of Levy — Reserve Fund.**

Scope of levy. (1) In making the levy provided in the preceding section the state board of hail insurance shall provide for:

Administrative expenses and interest. 1. The payment of all expenses of administration, together with all interest owed or to be owing on registered warrants.

Losses not paid from reserve fund. 2. For that portion of the losses incurred during the current year which are not paid from funds drawn from the reserve fund.

Reserve fund maintenance. 3. For the maintenance of the reserve fund, a part or all of which may be used in any one year for the purpose of paying the costs of administration, interest on the warrants and losses as the same shall be settled and adjusted by the said board including the losses sustained in any prior year or years under the state hail insurance law during or subsequent to the year 1919 that have not been paid.

Reserve fund limitations. “(2) *Each year when the hail board makes its annual levy for the payment of current losses, expenses of administration, and for an addition to the reserve fund if conditions permit, it shall not increase the levy enough in any year so that such addition to the reserve fund will exceed five percent (5%) of the maximum risk written for that year and provided further, that the reserve fund shall not exceed the amount of one million two hundred thousand dollars (\$1,200,000.00).*

Appropriation from reserve fund, limitations. “(3) The reserve fund hereby created shall be a continuous fund and the state board of hail insurance is hereby granted the power to draw from said fund such amounts as it may deem necessary for the purpose of paying costs of administration, interest and losses, and provided further, that whenever there are no unpaid losses for prior years and whenever in any one year the cost of administration, interest and losses for the current year shall be less than the sum of *sixty cents (60¢)* per acre on *nonirrigated grains and a proportionate amount on irrigated grains and other crops*, the state board of hail insurance shall not draw on the reserve fund for any purpose unless the amount required for the payment of losses for the current year, *including* interest on warrants and costs of administration shall exceed the amount of the estimate made by the state board of hail insurance.”

Section 4. That Section 82-1517, of the Revised Codes of Montana, 1947, as amended by chapter 33, laws of Montana, 1949, be, and the same is hereby amended to read as follows:

Amending
clause.

“82-1517. **Payment of Losses.** (1) The state board of hail insurance shall, as soon as practicable after the loss has been sustained, arrange for the payment of the losses as follows: From the amount of the loss as adjusted for each claimant the state board of hail insurance shall deduct the amount the claimant then owes as delinquent hail insurance tax and the maximum amount assessed as hail insurance tax for the current year, and shall make settlement within forty (40) days from the time loss is sustained in the following manner: By paying, either by registered warrant or otherwise if funds are immediately available, fifty percent of the total loss as agreed on, less, however, the maximum rate of assessment; balance to be paid at the expiration of the hail season.

Payment
of losses.

“(2) The state board of hail insurance shall, on or before November first, order the state auditor to draw a warrant for the amount so deducted on the state hail insurance fund, which warrant shall be remitted to the county treasurer of the county in which the tax was assessed. The state board of hail insurance shall then order the state auditor to draw a warrant on the state hail insurance fund for the balance of the adjustment which warrant shall be sent to the claimant; provided, however, that in no case shall the payment for loss exceed *twelve dollars (\$12.00)* per acre for grain crops on nonirrigated lands, and *twenty-four dollars (\$24.00)* per acre on irrigated lands, and not to exceed *twelve dollars (\$12.00)* per acre on hay crops; provided, further, that no claimant shall receive payment for any loss incurred where said loss does not equal or exceed five percent (5%) of the total value of the crop insured. Also if the losses in any year should exceed the current levy plus the reserve fund, if any, then the payment of all losses shall be prorated share and share alike among all grain growers having loss claims adjusted and approved, and the unpaid balance of said losses shall be paid out of the reserve fund without interest in such order as the state board of hail insurance shall direct, when in the judgment of the said board there are in said fund sufficient moneys to provide for the payment of the same

Procedure.

Limitation on
payment.

Board may
borrow money.

and other items payable out of said funds. In any year the state board of hail insurance may by resolution authorize its chairman and secretary to borrow as needed from any person, bank or corporation such sum or sums of money as the state board may deem necessary to carry on the business of the department and for the purpose of paying all warrants as issued.

Limitation on
borrowing.

“(3) For any moneys borrowed under the provisions of this act, the state board of hail insurance shall cause warrants to be drawn against the state hail insurance fund and said warrants shall bear interest at not to exceed six percent (6%) per annum and said warrants and the interest thereon shall be paid out of funds from the state hail insurance department as they are collected from the various counties in the state. The state board of hail insurance shall not at any time borrow a total sum greater than the amount of levies as made for taxes for the current year together with such delinquent taxes as remain unpaid on the books of the county treasurer. The state board of examiners is hereby empowered to invest surplus money belonging to any fund in the warrants of the hail insurance fund.”

Repealing
clause.

Section 5. That all acts and parts of acts in conflict herewith are hereby repealed.

Effective
immediately.

Section 6. That this act shall be in full force and effect from and after its date of passage and approval.

Approved March 4, 1953.

CHAPTER 201

An Act to Amend Section 75-3412 of the Revised Codes of Montana, 1947, as Amended by Chapter 189, Laws of 1951, Relating to Settlement of Transportation Matters and Controversies, by Providing for Rules and Regulations for Determining Residence of Pupils.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 75-3412 of the Revised Codes of Montana, 1947, as amended by chapter 189, laws of 1951, be, and the same is hereby amended to read as follows:

“75-3412. Settlement of Transportation Matters in Controversy. All transportation matters in controversy shall be settled by the county transportation committee hereinafter defined. Provided, that, if the applicant for transportation feels that he has not met with justice in the decision of the county transportation committee, he may appeal to the state superintendent of public instruction, in which case the county superintendent shall send to the state superintendent of public instruction all data and evidence connected with the case.

Transportation committee to settle matters in controversy.

Appeal.

“(a) To facilitate and administer the policies relating to the transportation of school pupils there are hereby created county transportation committees. Such committees shall be organized in each county and shall consist of the county superintendent of schools and one or more representatives chosen by each high school board of trustees from among their own number including the superintendent. Provided, however, that the county transportation committee shall have not less than five members and each district maintaining a high school shall have equal representation. The county superintendent of schools shall be chairman of this committee and a quorum shall consist of two-thirds of the membership. It shall be the duty of the county transportation committee to approve bus routes and applications for increased transportation payments, and to act in all controversies resulting from transportation matters.

Transportation committees — organization.

Duties.

“When the transportation interests of a district are effected by the actions and interests of the county transportation committee of another county, it shall be represented on the county transportation committee of both counties, but shall have a voice only in matters effecting its high school.

District in two counties.

“Any school district which objects to the particular bus route or transportation area to which it has been assigned may upon vote of its board of trustees signifying such objection, be assigned to an adjoining district or transportation area which maintains a public high school, provided that the board of trustees of the latter school is willing to have such district assigned to its area. In case of a continued disagreement, on the initiative of a petition signed by 20 % of the qualified electors of any district in-

Procedure on objection to bus route or transportation area.

dicating dissatisfaction with the area to which it has been assigned the board of trustees shall place the matter of which area to belong to at the trustee election in April; provided, however, that if such pupils are not transported to the nearest high school, the state reimbursement shall be limited to the amount which would be paid if they were transported to the nearest high school, unless such attendance has been approved by the county transportation committee and the state department of public instruction. The state board of education through the state superintendent of public instruction shall formulate such rules and regulations as may be necessary for establishing high school transportation areas *for determining residence of pupils*, and for carrying out the purposes of this act; provided, however, that such regulations shall not prevent or deny to any parent the right to transport or arrange for transportation of his children at his own expense to the high school of any district willing to accept them. Any patron of a school district or portion of a school district dissatisfied with transportation matters in his county shall have the right of appeal to the county transportation committee and to the state superintendent of public instruction."

Board of
education to
formulate
rules and
regulations —
determine
residence
rules.

Repealing
clause.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Effective
immediately.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 4, 1953.

CHAPTER 202

An Act to Amend Section 15 of Chapter 199 of the Session Laws of Montana, 1949, as Amended by Section 4 of Chapter 208 of the Session Laws of Montana, 1951, Relating to Fixing the Tax Levy to Provide for the Foundation Program and the Approved Additions Thereto, Without the Necessity of a Vote by the Qualified Electors, and Providing the Method Relating to Federal Reimbursements in Lieu of Taxes to be Used in Computing Additions to the Foundation Program, and Providing an Exception From the Requirement of Voted Levies in Districts Where Levies Higher Than Those

Allowed by This Act Are Necessary to Obtain Federal Reimbursements in Lieu of Taxes.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 15 of chapter 199 of the session laws of Montana, 1949, as amended by section 4 of chapter 208 of the session laws of Montana, 1951, be, and the same is hereby amended to read as follows:

Amending clause.

“Section 15. **Levy of Taxes.** It shall be the duty of the county commissioners of each county in the state to levy an annual special tax for high schools of ten (10) mills on the dollar of the taxable value of all taxable property within the county, which levy shall be made at the time and in the manner provided by law for the levying of taxes for county purposes and which tax shall be collected by the county treasurer at the same time and in the same manner as state and county taxes are collected; provided that if a levy of less than ten (10) mills should be sufficient to meet the total of the approved budgets of all school districts within the county, then such lesser levy shall be made, but no high school within a county levying less than ten (10) mills for high school purposes shall receive any apportionment from the state public school equalization fund.

Levy of taxes.

“If the revenues for the operation and maintenance of any high school, including the amount apportionable from said ten (10) mill special tax for high schools, shall be less than the foundation program of such high school and the approved additions thereto included in its budget, within the limitations hereinbefore specified, it shall be the further duty of the board of county commissioners to fix and levy a tax, in such number of mills as will produce the amount shown by the final budget to be raised by tax levy plus federal reimbursements in lieu of taxes, which tax shall, in the case of a county high school not located within a building district, be levied upon all property in the county, excepting the property of any district supporting a district high school, and shall, in the case of a county high school located within a high school building district, be levied upon all property in such building district and which tax shall, in the case of a district high school not located within a building district, be levied upon all prop-

Levy to produce amount shown by final budget.

Limitation of
additional
tax levy with-
out election.

Exception
where federal
reimburse-
ments.

Repealing
clause.

Effective
immediately.

erty within the school district, and shall, in the case of a district high school located within a building district, be levied upon all property in such building district, provided, however, that such last mentioned additional tax shall not, in any event, exceed ten (10) mills unless the excess above said ten-mill limitation shall first have been authorized at an election held in accordance with the general school laws pertaining to the voting of additional levies, *save and except that in any district wherein more than ten (10) mills is required to reach the permissive percentage limits, as set out in chapter 208, section 3, session laws of 1951 above the foundation program, such increase above the ten (10) mill limit may be financed by federal reimbursements in lieu of taxes without a vote of the taxpayers up to the above mentioned percentage limits above the foundation program, if the board of trustees of such district shall file with its final budget a certificate approved by the county superintendent of schools setting forth (a) the federal and state requirements which make such increase above the ten (10) mills necessary and (b) the amount of the increase in excess of ten (10) mills which is necessary to meet such federal and state requirements.*"

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 4, 1953.

CHAPTER 203

An Act to Amend Section 81-803, Revised Codes of Montana, 1947, as Amended by Chapter 99 of the Laws of Montana, 1951, Relating to Granting of Easements for Public Purposes on State Lands; to Provide a Method of Application When the Purpose of the Application is for the Construction and Operation of Telephone, Telegraph or Radio Systems.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 81-803 of the Revised Codes of Montana, 1947, as amended by chapter 99 of the laws of Montana, 1951, be, and the same hereby is amended to read :

“81-803. Easements on State Land — Application For — Action On. (1) Application for easement on state

land must be made to the state board of land commissioners and shall describe the proposed right of way according to survey, show the necessity for the proposed highway or street or other easement and give such additional information as the board may require. This application shall be accompanied by two exact copies of the official plat of the proposed highway, street or other easement duly verified by the affidavit of the county surveyor or county or city engineer, or other engineer having prepared the same, endorsed thereon. These plats shall show the quantity of land taken by the proposed highway or street or other easement for each forty-acre tract or government lot of state land over or through which it passes and also the amount of land remaining in each portion of such forty-acre tract or government lot. When deemed necessary by the board, the aforesaid plats shall show all these facts for such smaller subdivisions as the circumstances may render desirable for the state. Provided, however, that when the purpose of the right of way applied for is the transmission or distribution of electric energy, *or the construction and operation of telephone, telegraph or radio systems*, the aforementioned plats and measurements need not be given, except the description of the location of the center line of the right of way and the entire right of way may be applied for in one application with only one plat of the entire right of way required. Provided further that easements granted under the provisions of this act shall be considered as including permission to install and maintain *poles*, anchors and other appurtenances necessary for the mechanical support of the transmission or distribution lines.

Application for easements on state land, procedure.

Application for transmission of electric energy, construction radio, telephone or telegraph systems.

“(2) Upon the filing of such application and plats, the commissioner of state lands and investments shall whenever he deems it necessary cause the proposed right of way to be viewed and examined by the chief field agent or some assistant field agent who shall report his findings to the board. The board shall thereupon consider the application and report and take such action as it deems proper, including the fixing of compensation and damages to be paid to the state. The compensation so fixed shall be the full market value of the estate or interest disposed of

Commissioner of state lands, duties on application, fixing of compensation

through the granting of such right of way easement, and the damages shall be the actual damages resulting to the remaining land as nearly as the same can be ascertained. If the right of way is granted according to the plat, then such plat shall become the official plat thereof, and shall be retained in the office of the commissioner. The board shall cause right of way deeds to be issued for all such easements that it may hereafter grant upon full payment therefor being made.

Procedure
where
purchase or
sales contract.

“(3) If the state land over or through which such right of way is applied for, is under certificate of purchase or under sales contract, the purchaser, or his assignee, must be made a party to the proceedings, and his consent in writing to the laying out and establishment of the proposed highway and to the amount of compensation and damages to be paid must be filed with the board before such right of way shall be granted. The board shall be the judge of how much of such compensation and damages shall be paid to the state and applied on the certificate of purchase or sales contract and of how much thereof, if any, shall be paid to the purchaser, as the circumstances in each individual case may warrant. The provisions of this paragraph shall apply to all grants of rights of way on state lands.”

Repealing
clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 4, 1953.

CHAPTER 204

An Act to Amend Chapter 82 of the Montana Session Laws of 1937, as Amended by Part IX of Chapter 5 of the Montana Session Laws of 1941, as Amended by Chapter 216 of the Montana Session Laws of 1947 and as Amended by Chapter 192 of the Montana Session Laws of 1949, by Amending Sections 4 and 8 of Part IX of Chapter 5 of the Montana Session Laws of 1941, Providing Increased Payments to Persons Having Silicosis as Defined in the Act, by Authorizing Such Additional Appropriations as May be Necessary to Make Such Increased Payments, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 4 of part IX, chapter 5 of the Montana session laws of 1941, as amended by chapter 216 of the Montana session laws of 1947, as amended by chapter 192 of the Montana session laws of 1949, be, and the same is hereby amended to read as follows:

Amending
clause.

“Section 4. **Amount of Payments.** Any person who has silicosis, as defined in this part, and who has, subject to the regulations and standards of the state and county departments, been determined by the state department to be entitled to a payment under this part for silicosis, shall be granted a payment by the said state department of *sixty and no/100 dollars (\$60.00)* per month subject to such appropriations as may from time to time be made. The legislature shall authorize such additional appropriations as may be necessary to make the increased monthly payments provided herein.”

Amount of
payments to
silicotics.

Section 2. That section 8 of part IX, chapter 5 of the Montana session laws of 1941, as amended by chapter 216 of the Montana session laws of 1947, as amended by chapter 192 of the Montana session laws of 1949, be, and the same is hereby amended to read as follows:

Amending
clause.

“Section 8. **Conformity With Acts of Federal Government.** If and when the government of the United States makes grants to states in aid of and allowing payments to persons having silicosis, as herein defined, the public welfare department of the State of Montana is hereby authorized to administer in the State of Montana such grants in aid and payments in addition to grants made by this act. The total payments to any individual under this act shall not exceed *sixty and no/100 dollars (\$60.00)* per month exclusive of any grants made by congress.”

Power to
receive federal
grants, if any,
state grant
exclusive.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing
clause.

Section 4. This act shall be in full force and effect from and after the first day of July, 1953.

Effective
date.

Approved March 4, 1953.

CHAPTER 205

An Act Authorizing the Filing and Enforcing of a Lien Upon Grains or Crops for Labor or Service Performed, and Materials Furnished in Crop Dusting or Spraying Such Grains or Crops and Fixing the Effective Date of Said Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Lien on crops
for dusting
or spraying
services.

Section 1. Any person, firm, corporation or copartnership who shall under contract, express or implied, perform labor or service, or furnish material in crop dusting or spraying grains or crops for the purpose of weed, disease or insect control for promoting the growth of such grains or crops shall have a lien upon all such grains or crops so crop dusted or sprayed, for and on account of the labor or service performed and material furnished, upon complying with the provisions of this act; provided, however, that any such lien shall not exceed one dollar and fifty cents (\$1.50) per acre for spraying or dusting wheat, and in the case of other grain or crops, such lien shall not exceed the prevailing price charged in the particular locality in which such grains or crops is sprayed or dusted.

Lien,
procedure.

Section 2. Any person, firm, corporation or copartnership who is entitled to a lien under this act shall, within ten (10) days after the last labor or service was performed or material furnished in crop dusting or spraying grains or crops file in the office of the county clerk and recorder of the county in which said grains or crops were grown, a just and true account of the amount due for such services, labor or material after allowing all proper credits and offsets and containing a description of the grain or crops to be charged with such lien, the price agreed upon for such labor or service or material, or if no price was agreed upon the reasonable value of the same, together with the name of the person, firm or corporation for whom such labor or services were performed or material furnished, and a description of the lands as nearly as possible, upon which said grains or crops were raised, which statements of fact shall be verified by affidavit of the person, firm, corporation or copartnership claiming such lien, or his, their or its duly authorized agent or attorney, having knowledge of the facts.

Section 3. The county clerk must endorse upon such lien the day of its filing, make an abstract thereof in a book kept by him for that purpose and properly indexed, containing the date of the filing, the name of the person, firm, corporation or copartnership claiming the lien, the amount thereof, the name of the person against whose property the lien is filed, and a description of the property to be charged with the same.

Duty of
county clerk.

Section 4. The lien for labor or services performed or material furnished as specified in this act shall be prior to and have precedence over any mortgage, encumbrance, or other lien upon said grain or crops, except the lien for seed, hail insurance, threshing, labor and warehouse services furnished for the purpose of growing or handling the particular grain or crops.

Priority
of lien.

Section 5. All actions for the foreclosure and enforcement of the lien herein provided for must be commenced within one (1) year from the day of the filing of the lien.

Limitation on
commencement
of action to
foreclose.

Section 6. Except as otherwise provided, the provisions of the code of civil procedure (title 93) are applicable to and constitute the rules of practice for the enforcement and foreclosure of the lien herein provided for.

Code of civil
procedure
applies.

Section 7. The provisions of the code of civil procedure (title 93) relative to new trials and appeals, except insofar as they are inconsistent with the provisions of this act, apply to the proceedings mentioned in this act.

Appeals
procedure
applies if
consistent.

Section 8. All persons interested in the matter in controversy or the property to be charged with the lien, or having liens thereon, shall be made parties to an action for the foreclosure thereof.

Who shall
be parties.

Section 9. Every person, including guardians or minors, and any company, firm, association or corporation for whose use or benefit the grain or other crops mentioned herein are dusted or sprayed, or the services or labor performed, or material furnished, is deemed the owner thereof for the purposes herein mentioned.

Who is deemed
owner.

Section 10. Whenever the indebtedness which is a lien upon any such grain or crops is paid and satisfied, it is the duty of the lienor to acknowledge satisfaction thereof as in case of a mortgage, and to discharge the said lien of

Duty to dis-
charge lien
when satisfied.

record; and if any lienor fails to acknowledge satisfaction and discharge said lien as aforesaid, he is liable to any person injured thereby in the amount of such injury and the costs of action.

Effective
immediately.

Section 11. This act shall be in full force and effect from and after its passage and approval.

Approved March 4, 1953.

CHAPTER 206

An Act Authorizing the Dissolution of Weed Control and Weed Seed Extermination Districts Organized Under the Provisions of Sections 16-1709, 16-1710 and 16-1711 of the Revised Codes of Montana, 1947, as Amended by the Session Laws of 1951; Providing the Procedure for Such Dissolution; Providing for Disposition of Funds and Property of Such Districts.

Be it enacted by the Legislative Assembly of the State of Montana:

Dissolution of
weed control
district —
procedure.

Section 1. **Dissolution of Weed Control and Weed Seed Extermination District.** When a petition signed by thirty-five percent (35 %) of the landowners residing within any weed control and weed seed extermination district shall be presented to the board of county commissioners of the county wherein such district is situated, requesting the dissolution of such district, the commissioners shall set a day for a hearing upon such petition and shall cause notice of the time and place thereof to be given by posting notices in not less than three (3) public places in said district and by publication in two (2) weekly issues of the newspaper published nearest the district. All persons owning lands within said district and all other persons having any interests which would be affected by the dissolution of such district shall be entitled to be heard at such hearing, and upon such hearing the board of county commissioners shall determine whether or not weed infestation within said district requires a continuance thereof, and, if said board shall find and determine that the continuance of said district is not necessary it shall dissolve said district by a resolution made and entered upon its minutes, which resolution may, in the discretion of said board, become effective at a future date to be therein specified, but not more

than ninety (90) days after the adoption of such resolution; provided, however, that no district shall be so dissolved if written objection to such dissolution signed by the owners of fifty-one percent (51%) of the agricultural land within said district is filed with the commissioners.

At the time of such dissolution of a district, the county commissioners shall dispose of any unexpended balance of monies levied and collected under the provisions of section 16-1717 by transferring such monies to the county general fund, and the levy provided in said section shall cease to be effective. All materials and equipment purchased by the county commissioners under the provisions of section 16-1718 shall be disposed of by sale as provided for in Section 16-1009, Revised Codes of Montana of 1947, or laws amendatory thereto, and all monies received from such sale shall be deposited with the county treasurer to the credit of the county general fund.

Disposition of
lands and
properties.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing
clause.

Approved March 4, 1953.

CHAPTER 207

An Act to Amend Section 2, Chapter 199, Session Laws of 1949, as Amended by Chapter 107, Session Laws of 1951, Relating to Definitions of Average Number Belonging, Minimum Foundation Program, Isolated School and Non-isolated School, to Provide for Children Attending Special Classes Due to Cerebral Palsy to be Included in the Average Number Belonging.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 2, chapter 199, session laws of 1949, as amended by chapter 107, sessions laws of 1951, be, and the same is hereby amended to read as follows:

Amending
clause.

“Section 2. The term ‘average number belonging’ or ‘ANB’ shall mean the average number of regularly enrolled, full-time pupils attending a public school, or attending public schools in a school district as a whole, which average number shall be computed by dividing the sum of the aggregate days of attendance by regularly enrolled

Definition,
“Average
Number
Belonging.”

pupils and the aggregate days of absence by regularly enrolled pupils during the last completed school year, by the number one hundred eighty (180); excepting in such districts or schools where school was in session more than one hundred eighty-five (185) days, the total of the aggregate days of attendance and the aggregate days of absence shall be divided by one hundred eighty-five (185); provided that attendance for a part of a morning session or part of an afternoon session shall be counted as one-half ($\frac{1}{2}$) day's attendance in either case, and, provided further, when any regularly enrolled pupil has been absent, with or without excuse, for more than three (3) consecutive school days in such school year, his absence after the third day and until his return to school shall not be included in the aggregate days of absence. The average number belonging of secondary pupils of a school district or of elementary pupils of a school district does not include the pupils of any high school or of any elementary school which has not been accredited by the state board of education. Pupils of a junior high school which has been duly approved and accredited as such by the state board of education are to be deemed secondary school pupils for the purpose of computing average number belonging of the district in which the junior high school is situated."

ANB to include children receiving special training at cerebral palsy classes.

The average number belonging of any elementary or high school may include children of school age who are being trained in the cerebral palsy special aid classes now being conducted in conjunction with eastern Montana college of education at Billings, the cerebral palsy special aid classes now being conducted in Missoula and other cerebral palsy special aid classes which may be approved in the future by the state board of education and the state board of health; provided, that the per pupil revenue raised through local county and state funds for such additional average number belonging attending these special classes shall be used exclusively for the operation and maintenance of such special classes. These additional resident pupils shall be counted as average number belonging in the district in which these special classes are operated.

Reopening school not in operation previous year.

"Any school district may reopen a school which was not in operation the previous year, which such reopening is approved by the county budget board and the state super-

intendent of public instruction, and when the county superintendent estimates the probable enrollment for such school to be at least five (5), and the parents of at least three (3) of these five (5) children petition for such reopening; such approved reopened school shall be eligible for county and state aid on its foundation program. Should a school district anticipate an increase in ANB, above the normal statewide increase of the past year, due to the closing of any private or public school in the district or in neighboring districts, such district shall be allowed an increase in ANB for budget purposes, based on an estimate arrived at by the district superintendent, board and county superintendent and approved by the state superintendent.

“The terms, ‘minimum foundation program’ and ‘foundation program,’ shall mean the amount required to operate and maintain an adequate and efficient school, as fixed and established by the schedules of minimum operating revenues set forth in section 3 hereof.

Definition,
“minimum
foundation
program.”

“The term, ‘isolated school,’ shall mean an elementary school having an ANB of less than nine (9) pupils, the maintenance and operation of which as an isolated school has been approved in the manner hereinafter provided in section 16 of this act; and the term, ‘isolated high school,’ shall mean a high school having an ANB of less than *twenty* (20) pupils, the maintenance and operation of which as an isolated school has been approved in the manner hereinafter provided in section 16 of this act.

Definition,
“isolated
school.”

“Isolated high
school.”

“The term, ‘nonisolated school,’ shall mean an elementary school having an ANB of less than nine (9) pupils, which has not been approved as an isolated school; and the term, ‘nonisolated high school,’ shall mean a high school having an ANB of less than *twenty* (20) pupils, which has not been approved as an isolated high school.”

Definition,
“non-isolated
school.”

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing
clause.

Section 3. This act shall be in full force and effect from and after July 1, 1953.

Effective
date.

Approved March 4, 1953.

CHAPTER 208

An Act to Amend Section 11-3253 (5452) of the Revised Codes of Montana, 1947, by Striking Out Provisions for Examinations by Qualified Accountants and Providing for Annual Examination by State Examiner of Cities Operating Under Commission-manager Form of Government.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 11-3253 (5452) of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Annual audit
of accounts
and records
by state
examiner
required.

“11-3253 (5452). **Auditing Books of Accounts, Records, etc. — Matters to be Included in Statement — Printing and Distribution of Report — Publication of Summary.**

Statements,
what included.

The commission shall cause *an annual* audit to be made of the books of account, records and transactions of the administrative department of the municipality. Such audit, during each fiscal year, shall be made by *the state examiner*. The duty of the *state examiner* shall include the certifications of all statements required under section 11-3267 of this code. Such statements shall include a general balance sheet, exhibiting the assets and liabilities of the municipality, supported by departmental schedules and schedules for each utility publicly owned or operated; summaries of income and expenditure, supported by detailed schedules; and also comparisons, in proper classifications, with the previous year. *The state examiner shall have the power, and it shall be his duty to make at least one examination each year of the books and accounts of any city operating under the commission-manager form of government, and to prescribe the necessary records, and systems of accounting as provided in Sections 82-1002, 82-1005, 82-1007, 82-1008, 82-1009 and 82-1010 of the Revised Codes of Montana, 1947, and the actions of the city commissioners and all other officers thereof shall be subject to the provisions of said sections, and such city shall pay the fee provided for in Section 5-905 of the Revised Codes of Montana, 1947, as amended.*”

Commission-
manager
municipalities
to be examined
by state
examiner,
fee provided.

Effective
immediately.

Section 2. This act shall be in full force and effect from and after its passage and approval.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing
clause.

Approved March 4, 1953.

CHAPTER 209

An Act Consenting to the Acquisition by the United States of Land, Water, or Land and Water Within Lake County and Sanders County, Montana, for an Exhibition Park to be Contiguous to the National Bison Range, a Federally Owned Reservation Established by an Act of Congress on May 23, 1908.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Consent of the State of Montana is given to the acquisition by the United States by purchase, gift, devise or lease of such areas of land or water, or of land and water in section thirty-one (31), township eighteen north (18N), range twenty west (20W), Lake county, Montana, and section thirty-six (36), township eighteen north (18N), range twenty-one west (21W), Sanders county, Montana, excepting the Northern Pacific railway and State of Montana lands within said sections, as the United States may deem necessary for the establishment of an exhibition park for bison and other big game animals, reserving, however, to the State of Montana full and complete jurisdiction and authority over all such areas not incompatible with the administration, maintenance, protection and control thereof by the United States under the terms of applicable federal regulations.

Consent to
federal
acquisition of
certain lands
for bison park.

Section 2. Upon the acquisition or establishment of any such park in Lake county and Sanders county, State of Montana, the fish and wildlife service, United States department of the interior, agrees to develop, improve and maintain the park for the display of such native big game animals as are available on the national bison range.

Federal service
agrees to
develop park.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing
clause.

Approved March 4, 1953.

CHAPTER 210

An Act Relating to Review of Federal Aid Administrative Budgets; Providing for Submission of a Budget of Contemplated Expenditures for Administrative Purposes of All State Agencies, Departments or Institutions Entrusted With the Administration of Such Aid Through the State Controller to the Legislative Assembly for Approval; Providing That If the Legislative Assembly is Not in Session the Approval of the Governor Shall be Obtained Before Submission to the Appropriate Federal Agency; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Budgets of contemplated administrative expenditures for federal agency, prior examination by state controller.

Procedure for approval.

Repealing clause.

Effective immediately.

Section 1. Whenever any agency of the federal government shall require as a condition to obtaining federal aid that the state agency entrusted with the administration of such aid shall submit a budget of the contemplated expenditures for administrative purposes, the proposed budget for such expenditures shall, before it is submitted to the federal authorities for approval, first be submitted to the state controller in conformity with section 4(a), chapter 194, laws of 1951. The state controller shall then transmit said budget to the legislative assembly for approval; when the legislative assembly is not in session and additional and unanticipated federal aid becomes available, requiring an amended and/or supplemental appropriation request, then any agency, department or institution receiving such federal aid shall submit said amended and/or supplemental administrative appropriation request through the state controller to the governor for his approval before submission to the appropriate federal agency.

Section 2. All acts or parts of acts which are inconsistent with the provisions of this act are hereby repealed.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 4, 1953.

CHAPTER 211

An Act to Amend Sections 53-501, 53-503, 53-504, 53-505, 53-507, 53-508, 53-510, Revised Codes of Montana, 1947,

Relating to State Owned Vehicles, Custody — Regulation of Use — Lettering; Providing for the Painting of All State Owned Vehicles, Except in the Instance of the Governor, the Highway Department and the Highway Patrol; Providing for the Transfer of Custody of State Owned Vehicles From the State Board of Examiners to the Governor; Providing for the Transfer of Authority on Regulation of Use of State Owned Vehicles From the Board of Examiners to the Governor; Providing for the Specifications for State Owned Vehicles; Providing for the Transfer of All Records of State Owned Vehicles From the Board of Examiners to the Office of the State Controller for the State of Montana; Providing for Penalty for Violation of This Act; Providing for the Effective Date and Repealing Sections 53-502, 53-509, and All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1: That Section 53-501, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

“53-501. Color of State Owned Vehicles. Vehicles in Service of Governor, the State Highway Commission, and Highway Patrol Excepted — Kind and Size of Letters.

All state autos to be chrome yellow.

All automobiles hereafter purchased by the State of Montana, including suburbans, station wagons and jeeps, shall, except in the instance of the governor of Montana, the highway commission and the highway patrol, be painted chrome yellow in color, with black lettering, such lettering to be in the form herein prescribed, unless such coloring of cars is exempted by the governor in writing.

Excluding governor, highway commission and patrol.

“All highway patrol passenger cars, shall be distinctive, consistent coloring, such coloring to be determined by the highway patrol board, and such vehicles shall be lettered as prescribed by law.

Color of highway patrol cars.

“All highway department passenger cars, station wagons, suburbans, jeeps, and trucks shall be of distinctive, consistent coloring, such coloring to be determined by the highway commission, and such vehicles to bear the lettering provided by law.

Color of highway department vehicles.

Every motor vehicle owned by the State of Montana shall be indelibly and conspicuously lettered in black on

Lettering.

each side thereof in plain letters not less than two and one-half inches (2½") in height with the words 'State of Montana', with the name of the proper department or institution inserted under the words 'State of Montana'. Such lettered words shall be kept clear, distinct, and visible at all times and shall not be blurred or defaced in any manner, provided, however, that the provisions of this act shall not be applicable to any such motor vehicle used in the service of the highway patrol of this state, except that upon the front doors of any motor vehicle in their service there shall be placed the 'great seal' of the State of Montana."

Amending
clause.

Section 2. That Section 53-503, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Governor
custodian of
state-owned
motor vehicles.

"53-503. *Governor to be Custodian of State-owned Motor Vehicles.* The *Governor* is hereby constituted the custodian of all state-owned motor vehicles. From and after the effective date of this act, the control of all motor vehicles, now owned or hereafter to be owned by the State of Montana, is vested in the *governor*, and the *governor* shall have the authority to assign the use of all state owned motor vehicles to state officers, departments, bureaus, institutions and commissions, or employees thereof."

Amending
clause.

Section 3. That Section 53-504, Revised Codes of Montana, 1947, be, and is hereby amended to read as follows:

Governor to
make rules
governing
vehicle use.

"53-504. **Rules and Regulations by Governor — Authority.** The *Governor* is hereby delegated the power and authority to formulate and enforce reasonable rules and regulations governing the use and operation of all motor vehicles used in the service of the State of Montana.

Governor's
authorities
set forth.

"*The Governor* is specifically authorized:

(a) To assign for either part, or full time, use to state officers, departments, bureaus, institutions and commissions one or more motor vehicles which may be required by said state officer, departments, bureaus, institutions *and* commissions, after the necessity for such use has been shown by written application, setting forth the substantiating facts.

(b) To approve the purchase of all new motor vehicles for such branches of the state government as required,

providing, however, that *all* passenger automobiles, except ambulances, busses, jeeps, or trucks, and *except the car purchased for the governor*, shall be two and four-door standard sedans of the low-priced field, or where special use requires, standard station wagons or standard sub-urbans of the low-priced field; said motor vehicles shall have the following characteristics: approximate wheel base of 115 inches and approximate weight of 3100 lbs; equipped with all standard equipment, plus the following: oil bath air cleaner, oil filter, conventional transmission (over-drive may be authorized when deemed necessary) shock absorbers — front and rear, safety glass throughout car, dual booster vacuum windshield wipers, fresh air heater and ventilating system with dual defrosters, five (5) wheels and five (5) four-ply tires.

(c) To revoke any assignment for use in any one department at any time, when the necessity for further use ceases to exist.

(d) To provide every department head or administrative officer, where automotive vehicles are used on state business, with uniform rules and regulations. These rules shall require that in each such vehicle, there shall be kept an operating history record book, showing the mileage and expenditures for each trip.

(e) To make reasonable rules and regulations relative to the use, storing and serving of *all* state-owned motor vehicles.

(f) To require of all departments a monthly report on forms to be approved by the *Governor*.

(g) To authorize and permit state officers and employees to use their own motor vehicles on state business when deemed necessary, and to prescribe the regulations for such use."

Section 4. That Section 53-505, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

"53-505. **Travel Regulations by State Departments.** The *governor* shall require of the administrator of every department that they formulate and enforce travel regulations providing:

Governor to
require travel
regulations by
departments.

Scope of
regulations.

(a) Filing an application for travel showing necessity for trip, points to be visited, approximate time of departure and return.

(b) Filing a report in the department upon completion of the trip, showing actual points reached, mileage traveled and car cost record data.

(c) Recording in the car operating history record book all items of expense incurred in the purchase of gas, oil, repairs, labor, storage, or service.

(d) *That a decal be affixed to the instrument panel of every state-owned passenger vehicle with the following information contained thereon:*

“Any officer or employee of the state government who uses or authorizes the use of any state-owned motor-propelled passenger-carrying vehicle, or of any motor-propelled passenger-carrying vehicle leased by the state government, for other than official purposes shall be summarily removed from office by the head of the department or establishment concerned.”

Amending
clause.

Section 5. That Section 53-507, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Governor's
vehicles
exempted.

“53-507. Certain Motor Vehicles Exempted. The provisions of this act shall not apply to motor vehicles used by the *Governor*.”

Amending
clause.

Section 6. That Section 53-508, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Duties of state
controller.

“53-508. Duties of State Controller. *All requisitions for automobile purchases shall be submitted to the state controller twice yearly, at such times as he may specify and no other requisitions for automobile purchases shall be accepted by him, unless the governor shall deem such purchase to be an emergency necessity.*

“All automobile operating history records shall be centered in the office of the state controller, such records to include the purchase price of the vehicle and items of expense incurred in the operation of the vehicle to include gas, oil, repairs, labor, storage and service. A complete summary of the operating cost and history record of all

state owned automobiles and trucks shall be prepared for each fiscal year."

Section 7. That Section 53-510, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending clause.

"53-510. *Violation a Misdemeanor — Dismissal.* Any state officer or employee violating any of the provisions of this act shall upon conviction thereof be guilty of a misdemeanor, and such violator shall upon conviction be dismissed from state employment."

Penalties.

Section 8. That Sections 53-502, 53-509, Revised Codes of Montana, 1947, be, and the same are hereby repealed, such repeals and each thereof to be in full force and effect from the 1st day of July, 1953.

Repealing Sections 53-502, 53-509, R.C.M., 1947.

Approved March 5, 1953.

CHAPTER 212

An Act to Amend Section 84-1816, Revised Codes of Montana, 1947, Relating to Use of State Highway Fund on Federal Highway System, Providing for the Expenditure of Highway Funds for the Dissemination of Public Information and Limiting Said Expenditures for Dissemination of Public Information to Three and One-half Percent ($3\frac{1}{2}\%$) Not to Exceed Sixty-five Thousand Dollars (\$65,000.00) Per Year of the Administrative Fund as Provided for in Section 84-1812, and Declaring Policy of the State of Montana in Reference to the Dissemination of Public Information; Providing for Date of Termination of Said Expenditures.

Be it enacted by the Legislative Assembly of the State of Montana:

"Declaration of policy as to dissemination of public information.

"It is hereby declared as a policy of the state that it is necessary and in the interests of the State of Montana that a provision be made for the use of funds, as hereinafter provided, for the dissemination of public information of the highways of the State of Montana and incidental information concerning points of scenic and his-

Policy declared — dissemination public information.

toric interest, as well as the resources and attractions of the State of Montana. That in enacting this legislation, it is not proposed that it should conflict with the acts of the United States congress relating to diversion of gasoline tax funds and the legislature declares as its policy that this act does not result in a diversion of funds in contravention of any congressional enactment. That this legislation is in the interests of the development of the highways of the State of Montana, the acquisition of increased gasoline taxes, through the use of the highways of the State of Montana by persons who would not otherwise utilize the highways of the State of Montana, unless through the dissemination of public information as provided by this act they were informed as to the highways system of the State of Montana, and possessed of incidental information hereinabove set forth.

“The provisions of this act are enacted by the legislature in the interests of the welfare of the people of this state, and to obtain additional revenue for the development of the highway program of the State of Montana.”

Amending
clause.

Section 1. That Section 84-1816, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Providing for
use of high-
way fund on
federal
system.

“84-1816. (2396.2) **Use of State Highway Fund on Federal Highway System.** All moneys of the state highway fund, including moneys arising from the license tax upon dealers in gasoline and motor fuels, but excluding moneys being held in such fund for refund or drawback purposes and expense of collection and enforcement, shall be used and expended by the state highway commission in the construction, reconstruction, betterment, maintenance, administration, *dissemination of public information, hereby determined to be a proper administrative expense*, and engineering on the federal highway system of highways in this state selected and designated under the provisions of the federal aid act, approved July 11, 1916, and the federal highway act approved November 9, 1921, and all amendments thereto, and for the purpose of construction, reconstruction, betterment, maintenance, administration, *dissemination of public information, hereby determined to be a proper administrative expense*, and engineering of highways leading from each county seat in the state

Adding public
information
to uses.

to said federal highway system of federal aid roads where such county seat is not on said system, and for the purpose of construction, reconstruction, betterment, maintenance, administration, *dissemination of public information, hereby determined to be a proper administrative expense*, and engineering of such other roads as have been or may be authorized by the laws of Montana. Provided, that the total net costs to the state for administration on the federal aid work contemplated by this act shall not exceed for any fiscal year eight per cent (8%) of the total of state, federal aid and other available funds expended under the supervision of the state highway commission, *and said eight per cent (8%) shall be known as the administrative fund. Provided further that the expenditure for dissemination of public information shall not exceed three and one-half per cent (3½%) of the above mentioned administrative fund, not to exceed an annual expenditure of sixty-five thousand dollars (\$65,000.00); provided, however, that said expenditures for dissemination of public information as provided herein shall terminate June 30, 1955.* It shall be the duty of the state highway commission, in expending such money, to carry forward construction from year to year, using the money expended through the matching up of federal aid allotments to Montana upon the said federal highway system of highways in the various parts of the state in proportion to the amount of mileage still to be constructed in the various sections of that system as defined in section 84-1815; provided that nothing in this act shall be construed to conflict with said federal aid highway acts and the rules by which they are administered. The state highway commission is authorized to enter into co-operative agreements with the national park service and the public roads administration for the purpose of maintaining national park approach roads in Montana."

Limitation on administration expenditure, and public information expenditure.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Effective immediately.

Approved March 5, 1953.

CHAPTER 213

An Act to Repeal Sections 89-201, 89-202, 89-203, 89-204, 89-205, 89-206, 89-207, 89-208, 89-209, 89-210, 89-211, 89-212, 89-213, 89-214, 89-215, of the Revised Codes of Montana, 1947, Comprising the "State Electrification Authority Act".

Be it enacted by the Legislative Assembly of the State of Montana:

Repealing
enumerated
sections —
state electrifi-
cation author-
ity act.

Section 1. That Sections 89-201, 89-202, 89-203, 89-204, 89-205, 89-206, 89-207, 89-208, 89-209, 89-210, 89-211, 89-212, 89-213, 89-214, 89-215, Revised Codes of Montana, 1947, be, and the same are hereby repealed.

Approved March 5, 1953.

CHAPTER 214

An Act Providing for the Expression by the People of the State of Montana of Their Preference for Party Nominations for President of the United States; Providing for the Election of Delegates and Alternates to National Conventions of Political Parties; Providing for the Method of Holding Presidential Primaries; Amending Section 23-1002 of the Revised Codes of Montana, 1947, Relating to the Method of Selecting Delegates to National Political Conventions; Amending Section 23-1006 of the Revised Codes of Montana, 1947, Relating to the Election of Presidential Delegates and Alternates to the National Conventions; Amending Section 23-1007 of the Revised Codes of Montana, 1947, Relating to the Certification of the Election of Delegates to the National Conventions; Amending Section 23-1008 of the Revised Codes of Montana, 1947, Relating to Payment of Convention Expenses; Amending Section 23-902 of the Revised Codes of Montana, 1947, Relating to the Date of Holding Primary Elections; Providing for the Submission of This Act to the Qualified Electors of the State of Montana at the Next General Election; Describing the form of Ballots to be Used and the Duties of Secretary of State of the State of Montana Relative to the Submission of Said Act to the Qualified Electors of Said State; Providing When This Act Shall Take

Effect; and, Providing for Repeal of All Other Acts and Parts of Acts in Conflict Herewith Upon Approval of This Act by Majority of All Votes Cast at the Referendum Election Herein Provided.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There shall be held, on the first Tuesday after the first Monday in June of each year in which a president and vice president of the United States are to be nominated and elected, a presidential primary, at which election the several political parties recognized by the laws of this state shall express their popular choice for the party nomination for the president of the United States and shall select delegates to their national conventions.

Establishing
presidential
primary
election.

Section 2. Before January 2nd of each year in which primary elections are to be held under the provisions of this act the chairman of the state central committee of each political party shall notify the secretary of state as to the total number of delegates to which the state will be entitled at the next national convention of said political party.

Party central
committee
chairmen to
advise secre-
tary of state.

Section 3. (1) Delegates to the national conventions of each political party shall consist of delegates from congressional districts and delegates at large, to be selected in the manner hereinafter provided and to be allocated as follows:

Delegate to
national
convention,
manner of
selection,
qualifications.

(a) Three (3) delegates shall be selected by the electors in each congressional district.

(b) The remaining delegates, to complete the number to which the state will be entitled at the national convention of the party, shall be selected as delegates at large at the statewide primary.

(2) Alternates for each delegate shall be selected as hereinafter provided.

(3) Each delegate and alternate from a congressional district shall be a resident of that district, and each delegate and alternate delegate at large shall be a resident of the state.

Section 4. Any person who is a candidate for the nomination of his party for president of the United States

Filing of
affidavit of
presidential
candidate;
procedure,
content, fee.

may, beginning seventy-five (75) days prior to said June election and not later than sixty (60) days prior to said election, file with the secretary of state an affidavit of candidacy, requesting that his name be entered on the presidential primary ballot of his party. He shall include in the affidavit the following:

(1) The name of his party.

(2) The names of the delegates to the national convention whom he desires to represent him for the delegate positions referred to in section 3.

The candidate, at the time of filing his affidavit of candidacy, shall pay to the secretary of state a fee of twenty-five dollars (\$25.00).

Candidacy
by petition.

Section 5. (1) Beginning sixty (60) days prior to said June election and not later than forty (40) days prior to said election, there may be placed on the ballot, by petition filed with the secretary of state, the name of any person as a candidate for the nomination for the presidency of the United States; provided, however, the candidate whose endorsement is desired shall be a member of a party that received not less than five per cent (5%) of the total number of votes cast at the next preceding presidential election.

Proviso.

Content
of petition.

(2) The said petition may consist of one (1) or more writings and shall include the following information:

(a) The name of the candidate whose endorsement is desired and the name of the political party on whose ballot the name is to be entered.

(b) A complete list of delegates for the positions referred to in section 3; said list shall specify the names of the delegates who are to represent each congressional district and the names of the delegates who are to represent the state at large.

(c) A statement that the filing is made in good faith and for the purpose of advancing the candidacy of the person whose name is filed.

Fee.

(d) At the time of filing such petition, the person filing same shall pay to the secretary of state a fee of twenty-five dollars (\$25.00).

(3) The said petition shall contain signatures of electors not less in number than one per cent (1%) of the number of votes cast at the next preceding presidential election. After the signature of each elector there shall be written his post office address and the congressional district in which he resides.

Number
of signers.

Section 6. Only one (1) filing under sections 4 and 5 for any one (1) candidate may be accepted, and only the first filing made in accordance with the requirements of this act by or for the candidate shall be recognized and the name of the candidate contained therein shall be placed on the ballot, together with the names of the delegates set out in such filing papers. Each filing under sections 4 and 5 must name the full number of delegates referred to in section 3. Consent of the individual to have his name filed as candidate for president shall not be required.

Limitation on
filings of any
one candidate.

Section 7. There shall be attached to each filing made under section 4 or section 5 of this act affidavits signed by each proposed delegate named in the filing papers, and each affidavit shall contain the following information:

Affidavits by
delegates —
contents.

(1) The residence and post office address of the delegate.

(2) A statement that he is a qualified elector.

(3) A statement that he will not withdraw his name before the presidential primary.

(4) A statement that he is affiliated with the political party whose nomination the candidate seeks, and that he intends to vote at the ensuing election for the nominee for president of that political party.

(5) A pledge in the following form:

“I pledge myself that if I am selected at the presidential primary as a delegate to the national party convention, as a delegate pledged to the candidacy of (insert here the name of the candidate for whose candidacy the delegate has been filed) as a candidate for the nomination of the said party for president, that I will, until released by said candidate, vote for his candidacy on the first ballot of the said party convention and vote for his candidacy on all ensuing bal-

lots, provided, however, that if on any ballot said candidate shall receive less than twenty per cent (20%) of the total vote cast on such ballot, I am released from this pledge and shall thereafter have the right to cast my ballot according to my own judgment.”

Preparation
of ballots.

Duties of sec-
retary of state.

Section 8. (1) Immediately after the last date for filing, as provided for herein, the secretary of state shall prepare ballots for use in the election. The ballots shall be printed on separate paper, and separate ballots shall be printed for each political party for whose endorsement a filing has been made. A separate ballot shall be prepared for each party, to be used in each congressional district, and there shall be included thereon the name of each candidate who has filed an affidavit of candidacy or for whom a petition has been filed, together with the names of the delegates at large and the names of the three (3) delegates from the respective congressional districts, provided, however, that if on or before April 30th there is filed with the secretary of state an affidavit of any person filed as a candidate under the provisions of section 5 hereof stating that he is not a candidate for the nomination of president for the party for which he has been filed and that if nominated by such party he will not accept, then the name of such person and the delegates pledged to his candidacy shall not be included in the ballot of that party and the filing fee shall be returned to the person who paid same to the secretary of state.

Form of
ballot.

(2) The ballot shall be in such form so that the names of candidates for president for whom delegates are to be elected shall appear at the top of their respective columns with the words “candidate for president” appearing immediately below their names, and immediately below, and above each candidate column shall be placed a circle, so that the voter may mark a cross or other mark therein and vote for the entire slate of delegates under such name. The order of such presidential candidates and their respective columns shall be from left to right as determined by the order that filings were made by or on behalf of said candidates, and there shall be no rotation of names on ballots. Voting for individual delegate candidates shall not be permitted. A voter may write in, in an appropriate column at the extreme right of the ballot to be so prepared, the name of his candidate for president and names of his

candidates for delegates, provided, however, that the total number of delegates and their respective residency shall conform to the provisions of section 3.

(3) The ballot shall be in substantially the following form:

Form of
ballot
set forth.

OFFICIAL BALLOT
ELECTION OF DELEGATES TO
NATIONAL CONVENTION

..... Party
(Designation of Party)

Each voter is entitled to vote for delegates at large and for district delegates to the party national convention.

To vote for an entire slate of delegates at large and district delegates committed to the same presidential candidate, make a cross or other mark in the circle (O) at the head of the column under the name of the presidential candidate.

You may write in the name of a candidate for president in the appropriate column, but you must also write in names of an entire slate of delegates for that candidate.

FOR DELEGATES AT LARGE
NATIONAL CONVENTION

Vote for One

○	○	○	○
JOHN DOE	JOHN DOE	JOHN DOE	
Candidate	Candidate	Candidate	Candidate
for	for	for	for
President	President	President	President
JOHN DOE	JOHN DOE	JOHN DOE	
JOHN DOE	JOHN DOE	JOHN DOE	

FOR CONGRESSIONAL DISTRICT DELEGATES TO NATIONAL CONVENTION

JOHN DOE	JOHN DOE	JOHN DOE	
JOHN DOE	JOHN DOE	JOHN DOE	
JOHN DOE	JOHN DOE	JOHN DOE	

(4) At said election each elector may cast one (1) vote for the candidate of his choice. The votes shall be tallied for each congressional district. The candidate who re-

Counting
of ballots.

ceives a plurality of votes in each congressional district will be declared to be the endorsed candidate of that district, and the three (3) delegates whose names appear on his ballot from that district shall be declared to be the duly authorized and selected delegates of the party from that district to the party's national convention. All ballots shall further be tallied state-wide, and the candidate who receives a plurality state-wide of all votes cast by his party shall be declared to be the endorsed state-wide candidate; and the delegates at large whose names appear on his ballot shall be the duly authorized and selected delegates at large to the party's national convention.

Conduct and
canvass of
presidential
primary.

(5) Except as otherwise provided in this act, the presidential primary election shall be held, conducted and canvassed in the same manner as is now provided by law for primary nominating elections and in accordance with the general election laws of the state, insofar as the same are applicable, provided, however, that nothing contained in this act shall alter or amend the existing primary nominating election laws or the general election laws except as herein specifically provided.

Delegates
certificates of
appointment.

Section 9. The secretary of state shall issue to each delegate selected at the presidential primary a certificate of appointment.

Selection of
alternates by
convention.

Section 10. Alternates to delegates from congressional districts and alternates to delegates at large shall be named by convention as is provided hereinafter. In selecting alternates, the convention shall specify the name of the selected delegate for whom each alternate is named. Alternates so named shall file an affidavit as provided in section 7 with the secretary of state within five (5) days after their respective appointments by the convention.

Act not to
limit party
conventions
generally.

Section 11. Nothing contained in this act shall be construed to limit the right of any party state convention to take any action not in conflict with this act.

Amending
clause.

Section 12. Section 23-902 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Date of
holding
primary
election.

"23-902 (632) Date of Holding Primary Election — Purpose of. On the *first Tuesday after the first Monday of June* preceding any general election (not including

special elections to fill vacancies, municipal elections in towns and cities, irrigation district and school elections) at which public officers in this state and in any district or county are to be elected, a primary nominating election shall be held in accordance with this law in the several election precincts comprised within the territory for which such officers are to be elected at the ensuing election, which shall be known as the primary nominating election, for the purpose of choosing candidates by the political parties, subject to the provisions of this law, for senator in congress, and all other elective state, district and county officers, and delegates to any constitutional convention or conventions that may hereafter be called, who are to be chosen, at the ensuing election wholly by electors within this state, or any subdivision of this state, and also for choosing and electing county central committeemen by the several parties subject to the provisions of this law.”

Purpose.

Section 13. Section 23-1002 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending clause.

“23-1002. (673.2) **Exclusive Method of Selecting Presidential Electors and Alternate Delegates to National Political Conventions — Committeemen and Chairmen.** All political parties in Montana shall hereafter nominate their presidential electors and elect their *alternate* delegates to national conventions in the manner provided by this act. It shall be the duty of each political party to select in each county in the state in such manner as is now provided by law, or by the rules of the party in case the law does not so provide, a precinct committeeman for each election precinct, a county chairman in each county and a state chairman.”

Exclusive method of selecting electors and alternate delegates established.

Section 14. Section 23-1006 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending clause.

“23-1006. (673.6) **Time of State Convention — Election of Presidential Electors and Alternate Delegates to National Convention.** Not later than fifteen (15) days after said county convention, and on a date set by the chairman of the state central committee the delegates (or alternate delegates in case any elected delegates can not attend) shall hold a state convention at the seat of govern-

When state convention held.

Purpose.	ment for the purpose of electing <i>alternate delegates</i> to the national convention of the party, and presidential electors.”
Amending clause.	Section 15. Section 23-1007 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:
Conduct of state convention.	“23-1007. (673.7) Conduct of State Convention. Said state convention shall be conducted in accordance with the party rules, subject, however, to the following requirements:
Specific requirements.	“The chairman of the state central committee shall call the state convention and shall publish the call at least once in a newspaper published at the seat of the government. Said call shall be published not less than ten (10) days nor more than two (2) weeks before the date of the convention and a copy of the call shall be mailed to the county chairman in each county. The chairman of the state central committee shall preside over the convention and, together with a secretary chosen by the convention, shall sign certificates of election, which shall, be delivered as credentials to the several persons elected by the convention as <i>alternate delegates</i> to the national convention of said party, and certificates of nomination for presidential electors for said party which shall be filed with the secretary of state. Only regularly elected delegates or alternates shall be entitled to sit in said convention or participate in its proceedings and no proxies shall be recognized by the convention. In case of the absence of a member or members of the delegation elected from any county the delegates present for said county shall be entitled to cast a number of votes equal to the number of delegates elected to the convention from said county.”
Amending clause.	Section 16. Section 23-1008 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:
Payment of convention expenses.	“23-1008. (673.8) Payment of Convention Expenses. The entire expense of conducting the county and state conventions herein provided for shall be defrayed by the several political parties.”
Providing for referendum on this act.	Section 17. There shall be a referendum upon this act and the secretary of state of the State of Montana is hereby required, and it is made his duty, to submit this act to

the people of the State of Montana for their approval or rejection at the general election to be held in November, 1954 in accordance with the provisions of the constitution and the laws of the State of Montana relative thereto. The title and number of this referendum act shall be printed upon the official ballot used at said election. Irrespective of the provisions of Section 37-105, Revised Codes of Montana, 1947, such title shall read as follows:

“An act providing for the expression by the people of the State of Montana of their preference for party nominations for president of the United States; providing for the election of delegates and alternates to national conventions of political parties; providing for the method of holding presidential primaries; amending Section 23-1002 of the Revised Codes of Montana, 1947, relating to the method of selecting delegates to national political conventions; amending Section 23-1006 of the Revised Codes of Montana, 1947, relating to the election of presidential delegates and alternates to the national conventions; amending Section 23-1007 of the Revised Codes of Montana, 1947, relating to the certification of the election of delegates to the national conventions; amending Section 23-1008 of the Revised Codes of Montana, 1947, relating to payment of convention expenses; amending Section 23-902 of the Revised Codes of Montana, 1947, relating to the date of holding primary elections; providing for the submission of this act to the qualified electors of the State of Montana at the next general election; describing the form of ballots to be used and the duties of secretary of state of the State of Montana relative to the submission of said act to the qualified electors of said state; providing when this act shall take effect; and, providing for repeal of all other acts and parts of acts in conflict herewith upon approval of this act by majority of all votes cast at the referendum election herein provided.”

Below the said title of the act on said ballot, there shall be printed the words and squares:

- ☐ FOR the presidential primary law
- ☐ AGAINST the presidential primary law

Each qualified elector shall designate his preference by marking an “X” in the square before the proposition for which such elector desires to vote.

Procedure on
referendum.

Section 18. The vote upon this referendum act shall be counted and canvassed as is provided by law, and if a majority of all votes cast at such election for and against such referendum act shall be in favor of this act, the governor of the State of Montana shall immediately so declare by public proclamation.

Severability
clause.

Section 19. If any part of parts of this act shall be declared by any court or competent jurisdiction to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this act.

Repealing
clause.

Section 20. All acts and parts of acts in conflict herewith are hereby repealed.

Effective
Date.

Section 21. This act shall be in full force and effect from and after its passage by this legislative assembly, approval by a majority vote of the qualified electors and proclamation of the governor thereafter.

Approved March 5, 1953.

CHAPTER 215

An Act Amending Section 53-122 of the Revised Codes of Montana, 1947, as Amended by Chapter 221 of the Session Laws of the Thirty-second Legislative Assembly of the State of Montana, Relating to Registration Fees of Motor Vehicles — Fees — Disposal of Proceeds — Fee for Half Year — Dealers' Registration and Transfer Thereof — Public Owned Vehicles Exempt From License or Registration Fees — License or Registration Fees for Trailers, House Trailers, Semitrailers and Tractors — *Providing for Certain Exemptions* — Providing for Transfer of Funds From the Motor Vehicle Fund of the Registrar of Motor Vehicles to the Motor Vehicle Recording Fund (Sometimes Called the Motor Vehicle Administrative Fund) — Providing for Deposit of All Fees, Other Than License Fees, Except Dealer License Fees, Collected by the Registrar of Motor Vehicles, in Said Motor Vehicle Recording Fund for the Payment of Expenses of the Maintenance and Operation of the Department of the Registrar of Motor Vehicles.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 53-122 of the Revised Codes of Montana, 1947, as amended by chapter 221 of the session laws of the thirty-second legislative assembly, be, and the same is hereby amended to read as follows:

Amending
clause.

“53-122. Registration Fees of Motor Vehicles — Fees — Disposal of Proceeds — Fee for Half Year — Dealers’ Registration and Transfer Thereof — Public Owned Vehicles Exempt From License or Registration Fees — License or Registration Fees for Trailers, House Trailers, Semitrailers and Tractors — Providing for Transfer of Funds From the Motor Vehicle Fund of the Registrar of Motor Vehicles to the Motor Vehicle Recording Fund (Sometimes Called the Motor Vehicle Administrative Fund) — Providing for Deposit of All Fees, Other Than License Fees, Except Dealer License Fees, Collected by the Registrar of Motor Vehicles, in Said Motor Vehicle Recording Fund for the Payment of Expenses of the Maintenance and Operation of the Department of the Registrar of Motor Vehicles. Registration or license fees shall be paid upon registration or re-registration of motor vehicles, trailers, house trailers, semitrailers and dealers in motor vehicles, trailers or automobile accessories in accordance with this act, as follows:

Registration
fees of motor
vehicles.

“Dealers in motor vehicles other than motorcycles, a minimum fee of thirty dollars (\$30.00) which shall entitle such dealer to two (2) sets of number plates, and five dollars (\$5.00) additional fee for each additional set of number plates up to six sets, and two dollars (\$2.00) additional fee for each additional set of number plates, as may be applied for by such dealer; provided, that each dealer be required to furnish the registrar of motor vehicles a statement showing the makes of motor vehicles handled by him, and the total number of each make sold by him during the preceding year, and that he not be issued a license unless he so conforms:

Dealers, fees.

Dealers in motorcycles, trailers including house trailers, fifteen dollars (\$15.00);

Dealers in automobile accessories, except automobile dealers, ten dollars (\$10.00);

Motor vehicles, weighing twenty-eight hundred and fifty (2850) pounds, or under, other than motor trucks, five dollars (\$5.00);

Motor vehicles, weighing over twenty-eight hundred and fifty (2850) pounds, other than motor trucks, ten dollars (\$10.00);

Electrically driven passenger vehicles, ten dollars (\$10.00);

All motorecycles, two dollars (\$2.00);

Tractors and/or trucks, ten dollars (\$10.00);

Busses shall be classed as motor trucks and licensed accordingly;

Trailers and semi-trailers under 2,500 pounds.

Trailers and semitrailers less than two thousand five hundred (2,500) pounds maximum gross loaded weight and house trailers of all weights, two dollars (\$2.00);

2,500 – 6,000 pounds.

Trailers and semitrailers over two thousand five hundred (2,500) up to six thousand (6,000) pounds maximum gross loaded weight, except house trailers, five dollars (\$5.00);

Over 6,000 pounds.

Trailers and semitrailers over six thousand (6,000) pounds maximum gross loaded weight, ten dollars (\$10.00);

Certain trailers according to capacity.

Trailers used exclusively in the transportation of logs in the forest or in the transportation of oil and gas well machinery, road machinery and bridge material exclusively, new and secondhand, and trailers used exclusively for the transportation of road machinery and bridge materials, shall pay a fee of fifteen dollars (\$15.00) annually, regardless of size or capacity.

Vehicles without pneumatic tires.

“All rates to be twenty-five percent (25%) higher for motor vehicles, trailers and semitrailers, when not equipped with pneumatic tires;

Bicycles with motor attachments, one dollar (\$1.00);

Tractors, as specified in this section, shall mean any motor vehicle, except passenger cars used for towing a trailer or semitrailer.

Disposition of fees.

“All license or registration fees collected by the county treasurer of the county in which any motor vehicle is registered shall be credited to the motor vehicle license fund of said county. The funds in said county motor vehicle fund shall be used as follows:

Part paid to city road fund.

“(a) Fifty per cent (50%) of the net license fees derived from the registration of motor vehicles, the owners

of which reside within the boundaries of any incorporated city of the State of Montana, having a population of thirty-five thousand (35,000) or more, or the owners of which reside within the boundaries of any incorporated city of the State of Montana which lies within one (1) mile of the city limits of an incorporated city of the State of Montana having a population of thirty-five thousand (35,000) or more, according to the federal census of 1930, shall be held by the county treasurer and segregated from other county road funds and designated as 'city road fund', to be used in the city from which fees were derived for the construction of permanent streets within the incorporated limits of such city.

"(b) The license fees held in the city road fund, as hereinbefore provided, shall be used by the city council of such city having the population of thirty-five thousand (35,000) or more, or by the city council of such city which lies within one (1) mile of the city limits of an incorporated city of the State of Montana, having a population of thirty-five thousand (35,000) or more, according to the federal census of 1930, only for the construction of permanent highways and streets within the boundaries of such incorporated city. Provided, that all construction of public highways and streets, the cost of which is to be paid out of the fund derived from the license fees as herein provided, shall be under the supervision of the county surveyor of the county within whose boundaries such city is situated, subject to the control of the said city council and surveyor to designate the public highway or street upon which the work is to be done, and the type of pavement to be used, and provided further, that the cost of supervision of the county surveyor shall not exceed five per cent (5%) of the cost of said work.

Uses of fees in
city road fund.

Construction
supervision
by county
surveyor.

"(c) The net license fees derived from the registration of motor vehicles shall be by the registrar of motor vehicles transmitted to, and paid over to the county treasurer of the county from which the registration fee came, such fees, excepting apportionment to the city road fund, to be used by said county for the construction, repair and maintenance of all public highways, except state and federal highways, within the boundaries of said county, including city streets forming component parts of arterial highways within the corporate cities of less population than thirty-five thou-

County use
of net license
fees received.

sand (35,000), according to the federal census of 1930, within the boundaries of said county.

½ fee—6 month
registration.

“If any dealer, or motor vehicle, house trailer, trailer, or semitrailer is originally registered six (6) months after the time of registration as set by law, the registration or license fee for the remainder of such year shall be one-half ($\frac{1}{2}$) of the regular fee above given.

Dealer branch
establishment.

“A dealer in motor vehicles, trailers or automobile accessories who shall maintain more than one (1) place of business or who shall maintain any branch establishment or establishments, must register and pay a registration or license fee for each such place of business or establishment.

Transfer of
dealer's
certificate,
filing fee.

“A registered dealer, who may sell or dispose of his entire business to any other person, may have his certificate of registration transferred to such purchaser upon filing with the registrar of motor vehicles a statement containing the name of the registered dealer, the number under which such dealer is registered, the name of the purchaser, and the location of the place of business so sold. Upon the filing of such statement, accompanied by a filing fee of one dollar (\$1.00), the registrar of motor vehicles shall note upon the registration record of such dealer the change of ownership. But no certificate of registration can be transferred unless the entire business of the dealer holding such certificate of registration be sold and disposed of, and no such certificate of registration can be transferred to any person other than the purchasers of such business.

Exempting
certain official
vehicles.

“The provisions of this act with respect to the payment of registration fees shall not apply to or be binding upon motor vehicles, trailers or semitrailers or tractors owned or controlled by the United States of America or any state, county or city, but in all other respects the provisions of this act shall be applicable to and binding upon motor vehicles, tractors, trailers, and semitrailers.

Fees paid into
recording
fund —
administrative
expenses —
operating
expenses,
appropriated.

“All fees, other than license fees, mentioned and described in sections 53-110 and 53-112, and in section 53-135, shall hereafter be deposited in, and paid into, the motor vehicle recording fund of said registrar (sometimes called the motor vehicle administrative fund) out of which shall be paid all salaries, operating expenses, and all other expenses of the department of the registrar of motor vehicles.

“There shall be immediately transferred from the motor vehicle fund of the registrar of motor vehicles to the said motor vehicle recording fund all moneys now in said motor vehicle fund which were collected by the registrar of motor vehicles as fees other than license fees.

“Whenever, in the judgment of the state board of examiners, there shall be in said motor vehicle recording fund more moneys than are reasonably required or needed to pay all salaries, operating expenses, and all other expenses of the department of the registrar of motor vehicles, such board shall distribute such unneeded surplus or excess to the fifty-six (56) counties of the state in a pro rata manner based upon the total number of motor vehicles registered in each county.”

Board of examiners to distribute surplus.

Section 2. This act shall be in full force and effect upon its passage and approval.

Effective immediately.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved March 5, 1953.

CHAPTER 216

An Act to Amend Sections 75-2701, 75-2704, 75-2705 and 75-2707 of the Revised Codes of Montana, 1947, as Amended by Chapter 28, Laws of 1949, and Section 75-2708, Revised Codes of Montana, 1947, Relating to the Teachers' Retirement System of the State of Montana; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 75-2701 of the Revised Codes of Montana, 1947, as amended by chapter 28, laws of 1949, be, and the same is hereby amended to read as follows:

Amending clause.

“75-2701. **Definitions.** The following words and phrases used in this act shall have the following meanings unless a different meaning is plainly required by the content:

Terms defined.

“(1) ‘Retirement system’ shall mean the teachers’ retirement system of the State of Montana provided for in

section 2 (75-2702) of this act, *as amended by chapter 28, laws of 1949.*

“(2) ‘Retirement board’ shall mean the retirement board provided by section 3 (75-2703) of this act to administer the retirement system.

“(3) ‘Employer’ shall mean the State of Montana or the board of trustees of any school district employing teachers subject to the provisions of this act; or other agency of and within the state by which the teacher is paid.

“(4) ‘Teacher’ shall mean any teacher in the public elementary and high schools of the state, and the university of Montana, as constituted in accordance with section 75-401, including all kindergarten teachers in the public schools, and shall include any school librarian or physical training teacher, principal, vice-principal, supervisor, superintendent, county superintendent of schools, and any other member of the teaching or professional staff of any public elementary or high school of this state, and any administrative officer or member of the instructional or scientific staff of the university of Montana; provided that no person shall be deemed a teacher within the meaning of this act who is not so employed for full time outside vacation periods. The word, ‘teacher’ shall also include any person employed in the office of or by the superintendent of public instruction in the performance of duties pertaining to instructional services. In all cases of doubt, the retirement board shall determine whether any person is a teacher as defined in this act.

“(5) ‘Member’ shall mean any person included in the membership of the system as provided in section 4 (75-2704) *as amended by chapter 28, laws of 1949,* of this act.

“(6) ‘Service’ shall mean service as a teacher as described in subsection (4) of this section and paid for by an employer as described in subsection (3) of this section.

“(7) ‘Prior service’ shall mean service as a ‘teacher’ or in a similar capacity outside of the state, rendered prior to the date of establishment of the system, and in case of teachers in the university of Montana rendered prior to September 1, 1939, for which credit is allowable as provided in section 5 (75-2705) of this act *as amended by chapter 28, laws of 1949;* provided, further, that any teacher,

mustered into or serving in the military forces of the United States government during the period of war, shall receive 'prior service credit' for such period of service.

"(8) 'Membership service' shall mean service as a teacher rendered while a member of the retirement system.

"(9) 'Creditable service' shall mean prior service plus membership as provided in section 5 (75-2705) as amended by this act and designated herein as section 3.

"(10) 'Beneficiary' shall mean any person in receipt of a pension, annuity, a retirement allowance, or other benefit as provided by this act.

"(11) 'Regular interest' shall mean interest at four per centum per annum compounded annually, or at such other rate as may be set by the retirement board in accordance with subsection (2) of section 7 (75-2708) of this act.

"(12) 'Accumulated contributions' shall mean the sum of all the amounts deducted from the compensation of a member or paid by a member as provided for in sections 75-2705 and 75-2709, *as amended by chapter 28, laws of 1949*, and credited to his individual account in the annuity savings fund, together with interest. Regular interest shall be computed and allowed to provide a benefit at the time of retirement. Interest at the rate of three-fourths the regular rate shall be computed and credited to the pension accumulation fund when withdrawn for any other purpose subsequent to July 1, 1945.

"(13) 'Earnable compensation' shall mean the full rate of the compensation, pay or salary that would be payable to a teacher if he worked the full normal working time except that any compensation in excess of five thousand dollars (\$5,000.00) *per annum, shall not be used* for the purpose of this system provided that any teacher who received a salary or compensation in excess of two thousand dollars (\$2,000.00) per annum subsequent to July 1, 1945, may use such salary or that portion of it not in excess of five thousand dollars (\$5,000.00) as a basis of compensation for the purpose of this system if (a) he contributes five per cent (5%) of the excess of such salary subsequent to July 1, 1945, over two thousand dollars (\$2,000.00) and not exceeding five thousand dollars (\$5,000.00) to his in-

dividual account in the annuity savings fund and (b) he contributes three and one-half per cent ($3\frac{1}{2}\%$) of the excess of his salary subsequent to July 1, 1945, over two thousand dollars (\$2,000.00) and less than five thousand dollars (\$5,000.00) to the pension accumulation fund. In cases where compensation includes maintenance, the retirement board shall fix the value of that part of the compensation not paid in money.

“(14) ‘Average final compensation’ shall mean the average annual compensation, pay or salary on which the 5% contribution has been made by a member during any five consecutive years as a teacher.

“(15) ‘Medical board’ shall mean the board of physicians provided for in section 3 (75-2703) of this act.

“(16) ‘Annuity’ shall mean payments for life derived from the accumulated contributions of a member as provided in this act. All annuities shall be paid in equal monthly installments.

“(17) ‘Pension’ shall mean payments for life derived from money provided by the employer as defined in this act. All pensions shall be paid in equal monthly installments.

“(18) ‘Retirement allowance’ shall mean the annuity plus the pension.

“(19) ‘Annuity reserve’ shall mean the present value of all payments to be made on account of a member’s annuity granted under the provisions of this act, computed upon the basis of such mortality tables as shall be adopted by the retirement board and regular interest.

“(20) ‘Pension reserve’ shall mean the present value of all payments to be made on account of a pension granted under the provisions of this act, computed on the basis of such mortality tables as shall be adopted by the retirement board with regular interest.

“(21) ‘Actuarial equivalent’ shall mean a benefit of equal value when computed upon the basis of such mortality tables as shall be adopted by the retirement board and regular interest.

“(22) ‘Former retirement system’ shall mean the retirement system established under sections 1113 to 1132 inclusive, of the Revised Codes of Montana, 1935.”

Section 2. That Section 75-2704 of the Revised Codes of Montana, 1947, as amended by chapter 28, laws of 1949, be, and the same is hereby amended to read as follows:

Amending
clause.

“75-2704. **Membership.** (1) The membership of the retirement system shall consist of the following:

Who are
members
of system.

“(a) All persons who were teachers in the public elementary and high schools of the state during the school year nineteen hundred and thirty-six to nineteen hundred and thirty-seven, and who continue to be teachers shall become members as of the date of establishment except that any such teacher may notify the board on or before the thirtieth day of November, nineteen hundred and thirty-seven, in such form as the board may prescribe, that he does not desire to become a member, and in such case the board shall exclude him from the membership.

“(b) All persons who were teachers in the university of Montana during the school year nineteen hundred and thirty-eight to nineteen hundred and thirty-nine, and who continue to be teachers shall become members as of the first day of September, nineteen hundred and thirty-nine, except that any such teacher may notify the board on or before the thirtieth day of November, nineteen hundred and thirty-nine, in such form as the board may prescribe, that he does not desire to become a member, and in such case the board shall exclude him from the membership.

“(c) All persons who become teachers or re-enter the teaching service in the public elementary or high schools on or after the first day of September, nineteen hundred and thirty-seven, and all persons who become teachers or re-enter the teaching service in the university of Montana on or after the first day of September, nineteen hundred and thirty-nine, shall become members of the retirement system by virtue of their appointment as teachers.

“(d) A teacher in the public elementary or high schools who shall elect not to become a member as provided in subdivision (a) of this subsection, may thereafter apply for and be admitted to membership.

“(e) A teacher in the university of Montana who shall elect not to become a member as provided in subdivision (b) of this subsection may thereafter apply for and be admitted to membership.

When retirement board may deny membership.

“(2) The retirement board may in its discretion deny the right to become members to any class of teachers whose compensation is only partly paid by the employer, or who are serving on a temporary or any other than a per annum basis, and it may also in its discretion make optional with members in any such class their individual entrance into membership.

Conditions upon which membership shall cease.

“(3) The membership of any person in the retirement system shall cease:

“(a) If he is a member of any other retirement or pension system supported wholly or in part by funds of the United States government, or any agency thereof, or political subdivision thereof and he is receiving credit in such other system for service, it being the purpose of this subsection to prevent a person from receiving credit for the same service in two retirement systems supported wholly or in part by public funds, and no person shall receive both such credits under any circumstances. Any member of the retirement system who, because of his employment, shall be required to become a member of any such other system, shall be considered, solely for the purpose of this act, as permanently separated from state service.

“(For the purpose of this subsection, teachers who merely are receiving pensions or retirement allowances, or other payments, from any source whatever, on account of service rendered to some other agency, shall not be considered, because of such receipt, members of any other retirement or pension system.

“(b) If he withdraws his accumulated contributions or retires on a pension or dies, but not otherwise, except that the membership of a teacher who has not withdrawn his contributions and who has not had sufficient service to be eligible for disability retirement shall not be cancelled, provided the member shall prove to the satisfaction of the retirement board that absence from service was caused by personal illness constituting disability, or service in

the armed forces of the United States which includes all members of the army, the navy, the marine corps, and the coast guard, or service in the American Red Cross and merchant marine during time of war, and provided any member with ten (10) or more years of service, whose service is discontinued otherwise than by death or retirement, shall have the right to elect within *one (1) year* after such termination of service, and without right of revocation, whether to allow his accumulated contributions to remain in the retirement fund. Upon the qualification for retirement by reason of age or disability of a member who has elected to allow his accumulated contributions to remain in the retirement fund, he shall receive a retirement allowance in accordance with the provisions of the teachers' retirement act.

“(4) It shall be the duty of each board of school trustees and of the chief executive of each institution, station or division of the university of Montana employing teachers subject to the provisions of this act to submit to the retirement board a statement showing the name, title, compensation, duties, date of birth, and length of service of each teacher employed in such schools and such other information regarding such teachers as the retirement board may require.”

Statement to be submitted by school trustees and executive of institutions and university.

Section 3. That Section 75-2705 of the Revised Codes of Montana, 1947, as amended by chapter 28, laws of 1949, be, and the same is hereby amended to read as follows:

Amending clause.

“75-2705. **Membership Application and Creditable Service.** (1) Under such rules and regulations as the retirement board shall adopt, each teacher upon becoming a member shall file with the retirement board an application showing his date of birth, and such other necessary information as the retirement board may require for the proper operation of the retirement system. If a member was a teacher in the public elementary or the high schools during the school year immediately preceding the establishment of the retirement system, and becomes a member before the first day of September, nineteen hundred and thirty-eight, and if a member was a teacher in the university of Montana during the school year nineteen hundred and thirty-eight to nineteen hundred and thirty-nine, and becomes a member before the first day of September,

Member to file application with board — contents.

nineteen hundred and forty, he shall itemize on such application all services as a teacher rendered prior to the date of establishment, including service in a similar capacity in other states rendered by him prior to the first day of September, nineteen hundred and thirty-seven, for which he claims credit.

Credit for prior
service —
university
teacher.

“(2) Any member who was a teacher in the university of Montana during the school year nineteen hundred and thirty-eight to nineteen hundred thirty-nine and becomes a member before the first day of September, nineteen hundred and forty, shall be allowed upon application to the retirement board, credit for prior service for either the school year nineteen hundred and thirty-seven to nineteen hundred thirty-eight or the school year nineteen hundred thirty-eight to nineteen hundred thirty-nine, or for both of these years, provided (a) that he was a teacher in the university of Montana during the school year or years for which he makes application for such credit; and (b) that he contributes to the retirement fund an amount equal to the contribution that would have been necessary if he had been a member during the school year or years for which he makes application for such credit. The amount contributed by a member in accordance with this subsection shall be credited to his individual accounts in the annuity savings fund.

Rules for
computing
service and
average
compensation.

“(3) The retirement board shall fix and determine by appropriate rules and regulations how much service in any year is the equivalent of a year of service, but in computing such service or in computing average compensation, it shall credit no period of more than a month's duration, during which a member was absent without pay, nor shall more than one year of service be credited for all service in any school year.

“(4) Subject to the above restrictions and to such other rules and regulations as the retirement board shall adopt, said board shall verify as soon as practicable the statement of service submitted.

Verification.

“(5) Upon verification of the statement of service submitted, the retirement board shall issue to each member who was a teacher in the public elementary or the high schools during the school year immediately preceding the date of establishment of the retirement system and be-

comes a member before the first day of September nineteen hundred and thirty-eight, and to each member who was a teacher in the university of Montana during the school year nineteen hundred and thirty-eight to nineteen hundred and thirty-nine, and becomes a member before the first day of September, nineteen hundred and forty, a prior service certificate certifying to the aggregate length of prior service as a teacher and to the aggregate length of such service in a similar capacity outside of the state for which the member is entitled to credit. In such prior service certificate, the member shall be credited up to the nearest number of years and months with all service as a teacher prior to September 1, 1937, and with all service not exceeding ten years in a similar capacity in other states, and with all services for which credit is allowable as provided in subsections (2), (8) and (9) of this section.

Prior service
certificate.

“(6) So long as membership continues, a prior service certificate shall be final and conclusive for retirement purposes as to such service unless thereafter modified by the retirement board upon application made by the member within one year after the date of issuance or modification of a prior service certificate or upon discovery by the retirement board of an error or fraud.

Conclusiveness
of certificate.

“(7) At retirement the creditable service of a member on which his retirement allowance shall be based, shall consist of the membership service rendered by him as a member and also if he has a prior service certificate, which is in full force and effect, the service certified on his prior service certificate.

Service
as base of
retirement
allowance.

“(8) Any teacher who was employed during the school year *nineteen hundred forty-seven and* nineteen hundred forty-eight or who was not continuously absent without pay for a period of more than three years between the years nineteen thirty-seven and nineteen forty-seven may become a member of the retirement system and shall be allowed credit for prior service provided (a) that he made application to the retirement board prior to the thirtieth day of June, 1950; and (b) that he contributes to the retirement fund an amount equal to the contribution that would have been necessary if he had been a member during the school year or years for which he makes application for such credit, or if the full amount is not paid then

Membership
and credit
available to
certain other
teachers.

credit shall be given for the years covered by the amount paid. The amount contributed by a member in accordance with this subsection shall be credited to his individual account in the annuity savings fund.

Out-of-State
service credit,
procedure,
limitations.

“(9) Any teacher who has become employed as a teacher in Montana subsequent to September first nineteen hundred and thirty-seven may receive credit for service for out-of-state teaching employment provided (a) that he contributes to the retirement fund five per cent (5%) of the salary for each year claimed based on the first year's salary earned in Montana; and (b) that the maximum number of such years shall not exceed ten (10) and that a year out-of-state employment shall be equivalent to one year membership service in Montana, and (c) that payment of such contribution shall be made in a lump sum or in installments as agreed between such teacher and the retirement board.

Credit for
service prior
to Sept. 1,
1937 —
eligibility.

(10) Any teacher who has been employed for at least ten (10) years and who has been a contributing member for at least five (5) consecutive years of the ten (10) and who has not at the time of retirement received credit for all Montana prior service rendered before September 1, 1937, may apply for and receive credit for such prior service if proper certification of such service is furnished.”

Amending
clause.

Section 4. That Section 75-2707 of the Revised Codes of Montana, 1947, as amended by chapter 28, laws of 1949, be, and the same is hereby amended to read as follows:

Superannuation
benefit.

“75-2707. **Benefits.** (1) Superannuation retirement benefit. (a) Any member who has completed ten years of creditable service, the last ten years of which shall have been in this state, and who has attained the age of sixty may retire from service, if he files with the retirement board his written application setting forth the fact of his retirement.

Compulsory
retirement.

“(b) That from and after the passage and approval of this act, any member in service who has attained the age of seventy years, during any school year shall be retired by said retirement board on the first day of September following his or her seventieth birthday.

“(2) Allowance on superannuation retirement. Upon superannuation retirement a member shall receive a superannuation retirement allowance which shall consist of:

Allowance on
superannuation
retirement.

“(a) An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement, and

“(b) A pension of one-quarter of his average final compensation provided his creditable service is at least thirty-five years, otherwise, a pension of one one-hundred fortieth (1/140) of his average final compensation multiplied by the number of years of his creditable service, and

“(c) If he has a prior service certificate in full force and effect, an additional pension which shall be equal to one one-hundred fortieth (1/140) of his average final compensation multiplied by the number of years of service certified to him on his prior service certificate.

“(d) The minimum annual retirement allowance for a member who has completed thirty years service and who retired after September 1, 1937, and before June 30, 1949, shall be six hundred dollars (\$600), and the minimum retirement allowance for a member who retired after September 1, 1937, and before June 30, 1949, but whose service is less than thirty years shall receive a minimum retirement allowance based on the proportionate amount of six hundred dollars (\$600) that his service bears to thirty years of service.

“(e) The minimum annual retirement allowance for a member who has completed thirty-five years of service and who has attained the age of sixty-five and who retires after June 30, 1949, shall be six hundred dollars (\$600).”

(f) In the event a member retired on a superannuation allowance has not received more than three retirement payments prior to death, the beneficiary of the member shall receive a refund of the difference between the total paid and the amount of the accumulated contributions.

“(3) Disability retirement benefit. Upon the application of a member in service or of his employer, any member who has had ten or more years of creditable service in the State of Montana may be retired by the retirement board not less than thirty and not more than ninety days next

Disability
retirement
benefit.

following the date of filing such application on a disability retirement allowance, provided that the medical board after a medical examination of such member shall certify that such member is mentally or physically incapacitated for the further performance of duty, that such incapacity is likely to be permanent and that such member should be retired.

Retroactive
grant in
certain cases.

If the applicant for disability retirement was prevented because of the disability from making application at the time of the time of the commencement of disability, the retirement board shall grant the disability retirement upon the proper application for disability retirement allowance and make payments retroactive to the thirtieth day after the date of commencement of the disability.

Allowance
on disability
retirement.

“(4) Allowance on disability retirement. Upon retirement for disability a member shall receive a superannuation allowance if he is eligible for a superannuation allowance; otherwise he shall receive a disability retirement allowance which shall consist of:

“(a) An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of retirement, and

“(b) A pension which, together with his annuity, shall provide a total retirement allowance equal to ninety per centum (90%) of one-seventieth ($1/70$) of his average final compensation multiplied by the number of years of his creditable service, if such retirement allowance exceeds one-quarter ($1/4$) of his average final compensation; otherwise, a pension which, together with his annuity, shall provide a total retirement allowance equal to one-quarter ($1/4$) of his average final compensation, provided, however, that no such allowance shall exceed ninety per centum (90%) of one-seventieth ($1/70$) of his average final compensation multiplied by the number of years which would be creditable to him were his service to continue until the attainment of the minimum age for superannuation retirement.”

(c) In the event payments made to a person retired because of disability do not equal the amount of his accumulated contributions prior to his death the difference between the amount paid and the total of the accumulated

savings account of said member shall be paid to the beneficiary.

“(5) Re-examination of beneficiaries retired on account of disability. Once each year during the first five years following the retirement of a member on disability retirement allowance, and once in every three year period thereafter the retirement board may, and upon his application shall, require a disability beneficiary who has not yet attained the age of sixty to undergo a medical examination by the medical board or a physician or physicians designated by the medical board, such examination to be made at the place of residence of said beneficiary or other place mutually agreed upon. Should any disability beneficiary who has not yet attained the age of sixty refuse to submit to at least one medical examination in any year by the medical board, his allowance may be discontinued until his withdrawal of such refusal, and should his refusal continue for one year, all his rights in and to his pension may be revoked by the retirement board.

Re-examina-
tion of
disability
beneficiary.

“(6) Should the medical board report and certify to the retirement board that any disability beneficiary is engaged in or is able to engage in a gainful occupation paying more than the difference between his retirement allowance and his average final compensation and should the retirement board concur in such report, then the amount of his pension shall be reduced to an amount which, together with his annuity and the amount earnable by him, shall equal the amount of his average final compensation. Should his earning capacity be later changed the amount of his pension may be further modified; provided that the new pension shall not exceed the amount of the pension originally granted, nor an amount which when added to the amount earnable by the beneficiary, together with his annuity equals the amount of his average final compensation. A beneficiary restored to active service at a salary less than the average final compensation upon the basis of which he was retired shall not become a member of the retirement system while receiving a reduced benefit.

Reduction
by amount
earnable.

“(7) Should a disability beneficiary under age sixty be restored to active service at a compensation not less than his average final compensation his retirement allowance shall cease; he shall again become a member of the retire-

Cessation on
restoration
to active
service.

ment system and contribute thereto. Any prior service certificate on the basis of which his service was computed at the time of his retirement shall be restored to full force and effect and in addition upon his subsequent retirement he shall be credited with all his service as a member, and should he be restored to active service on or after the attainment of the age of fifty-five years, his pension upon subsequent retirement shall not exceed the pension that he would have received had he remained in service during the period of his previous retirement nor the sum of the pension which he was receiving immediately prior to his last restoration to service and the pension that he would have received on account of his service since his last restoration had he entered service at that time as a new entrant.

Contributions
returnable on
withdrawal
from service.

“(8) (a) A member who withdraws from service or ceases to be a teacher for any cause other than death or retirement shall be paid only the amount contributed by the member to his annuity savings account after first deducting any unpaid annual membership fees of said member.

Death prior to
retirement.

“(b) Should a member die before retirement only the amount of the member's contributions to his annuity savings fund account after deducting any unpaid annual membership fees shall be paid to his estate or such person as he shall have nominated by written designation duly executed and filed with the retirement board.”

Election of
nominated
beneficiary.

(c) In lieu of benefits provided in (b) above, if the deceased member had qualified by reason of service for a retirement benefit, the beneficiary nominated by the deceased member may elect to receive a monthly life annuity. Said monthly life annuity to be based on the beneficiary's attained age at the time of the deceased member's death and to be calculated from an amount equal to the required reserve for the deceased member's creditable service, together with the deceased member's accumulated contributions.

Optional
benefits
member's
election.

“(9) Optional benefits. With the provision that no optional selection shall be effective in case a beneficiary dies within thirty days after retirement, and that such a beneficiary shall be considered as an active member at the time of his death; until the first payment on account of any benefit becomes normally due, any member may

elect to receive his benefit in a retirement *or disability* allowance payable throughout life as hereinabove provided, or he may on retirement elect to receive the actuarial equivalent at that time of his retirement *or disability* allowance in a lesser retirement allowance payable throughout life with the provision that:

“Option 1. If he dies before he has received in payment of his annuity the amount of his accumulated contributions as they were at the time of his retirement, the balance shall be paid to his legal representative or to such person as he shall nominate by written designation duly acknowledged and filed with the retirement board; or

Balance payable to legal representative or nominee.

“Option 2. Upon his death, his reduced retirement allowance shall be continued throughout the life of and paid to such person as he shall nominate by written designation duly acknowledged and filed with the retirement board at the time of his retirement; or

Reduced allowance payable to nominee.

“Option 3. Upon his death, one-half of his reduced retirement allowance shall be continued throughout the life of and paid to such person as he shall nominate by written designation duly acknowledged and filed with the retirement board at the time of his retirement; or

One-half to nominee.

“Option 4. Some other benefit or benefits shall be paid either to the member or to such person or persons as he shall nominate by written designation duly acknowledged and filed with the retirement board at the time of his retirement, provided such other benefit or benefits, together with the lesser retirement allowance shall be certified by the actuary to be of equivalent actuarial value to his retirement allowance and shall be approved by the retirement board.”

Other benefits.

Section 5. That Section 75-2708 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending clause.

“75-2708. **Management of Funds.** (1) The retirement board shall be the trustees of the several funds created by this act and *the same shall be invested and reinvested by the state board of land commissioners as part of the long term investment fund.*

Management of funds — investment by land board.

“(2) The retirement board annually shall allow regular interest on the average amount for the preceding year in

Allowance of regular interest.

each of the funds with the exception of the expense fund. The amounts so allowed shall be due and payable to said funds and shall be annually credited thereto by the retirement board from interest and other earnings on the moneys of the retirement system. Any additional amount required to meet the interest on the funds of the retirement system shall be paid by the state during the ensuing year and any excess of earning over such amount required shall be deductible from the amounts to be contributed by the state during the ensuing year. Regular interest shall mean such per centum rate to be compounded annually as shall be determined by the retirement board on the basis of the interest earnings of the system for the preceding year and of the probable earnings to be made, in the judgment of the board, during the immediate future.

Additional
requirement
to be paid
by state.

State treasurer
custodian
of funds.

How pay-
ments made.

“(3) The state treasurer shall be the custodian of the several trust funds and of the securities in which said funds are invested. All payments from said funds shall be made by him only upon vouchers signed by two persons designated by the retirement board. A duly attested copy of a resolution of the retirement board designating such persons and bearing on its face specimen signatures of such persons shall be filed with the treasurer as his authority for making payments upon such vouchers. No voucher shall be drawn unless it has previously been authorized by resolution of the retirement board.

Interests in
investments
forbidden.

“(4) Except as herein provided no member of the retirement board and no employee of the board shall have an interest, direct or indirect, in the gains or profits of any investment made by the retirement board, nor as a member of the board directly or indirectly, receive any pay or emolument for his services. No member of the said board or employee thereof shall directly or indirectly for himself or as an agent in any manner use the funds or deposits of the retirement system except to make such current and necessary payments as are authorized by the retirement board; nor shall any member or employee of the board become an endorser or surety or in any manner an obligor for moneys loaned by or borrowed from the retirement board.”

Transfer of
dormant
account.

(5) *The board may in its discretion transfer the savings account of a member to the pension accumulation fund if*

the account has been dormant for a period of ten (10) years provided that no right of the member shall be jeopardized by such transfer and the savings account shall be transferred to the member's name upon subsequent re-entry to membership.

Section 6. If any section, subdivision, paragraph, sentence, clause or part of this act is declared to be unconstitutional, the remainder of this act shall not thereby be invalidated.

Severability
clause.

Section 7. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing
clause.

Approved March 5, 1953.

CHAPTER 217

An Act to Amend Section 84-1802, Revised Codes of Montana, 1947, as Amended by Chapter 202, Laws of the Thirty-first Legislative Assembly, 1949, Relating to the Statements to Be Filed by Gasoline Dealers With the State Board of Equalization.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 84-1802, Revised Codes of Montana, 1947, as amended by chapter 202, laws of the thirty-first legislative assembly, 1949, be, and the same is hereby amended to read as follows:

Amending
clause.

“84-1802 (2381.12) **Dealers' Statements — Amount of Tax.** Each dealer shall, not later than the *twenty-fifth (25th)* day of each calendar month after this act has become effective, render a true statement to the state board of equalization, duly signed and sworn to, of all gasoline handled by him in this state during the preceding calendar month, and containing such other information as the state board of equalization may require, and shall accompany such statement with the payment to the state board of equalization of a license tax, in an amount equal to the lawful tax per gallon imposed by section 10, of chapter 39, of the laws of the twenty-ninth legislative assembly of the State of Montana of 1945, and acts amendatory, or such other lawful tax as may be imposed by law for each

Dealer's state-
ment to board
of equalization,
time for
making.

Amount
of tax.

gallon of gasoline so handled, and upon which such license tax was not paid by any other dealer in this state, for engaging in and carrying on such business in this state. In making the computation of license tax due and in making payment thereof, two per centum (2%) of the amount of such tax shall be deducted by the dealer as an allowance for evaporation and other loss of gasoline handled by such dealer. Any dealer engaged in or carrying on his business at more than one place or location in this state may include all such places of business in one statement."

Repealing
clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 5, 1953.

CHAPTER 218

An Act to Amend Section 26-208 of the Revised Codes of Montana, 1947, Relating to Temporary Nonresident Fishing Licenses; Providing for an Increase of License Fee to the Sum of Three Dollars (\$3.00) and Extending the Period of the License to Six (6) Days.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 26-208, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Non-resident
fishing license,
fee, term,
rights.

"26-208. **License Fee — Rights Under License — Term.** An applicant for such temporary, nonresident license, if a citizen of the United States and a nonresident of the State of Montana, shall pay to the officer or person countersigning and issuing such license the sum of *three dollars (\$3.00)* as a license fee and shall obtain a license of class BB, which shall entitle the holder to fish with hook and line or rod in hand, as authorized and limited by law, for a period of *six (6)* days from and after the date of issuance of such license."

Repealing
clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective
immediately.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1953.

CHAPTER 219

An Act to Amend Title 31, Section 31-105, Revised Codes of the State of Montana, 1947, as Amended by Section 1, Chapter 187, Laws of Montana, 1951, of the Montana Highway Patrol, Relating to Qualifications of Patrolmen, Salary, Probationary Training, Discharge, Demotion, Suspension, Hearing, and Providing for a Maximum Salary Schedule; and Repealing All Acts or Parts of Acts in Conflict Therewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 31-105 of the Revised Codes of Montana, 1947, as amended by section 1, chapter 187, laws of Montana, 1951, be, and the same is hereby amended to read as follows:

Amending clause.

“31-105. Qualifications of Patrolmen — Salary — Probationary Training — Discharge — Demotion — Suspension — Hearing. The board shall designate and name assistant supervisors, not to exceed four (4) in number, patrol sergeants not to exceed four (4) in number, one (1) director of public safety and education, and patrolmen in such numbers as the board may deem necessary. Said patrolmen shall be chosen in equal numbers in the twelve (12) highway districts. Replacements and additions to the force shall be selected in the same manner. The salaries of patrolmen and other officers shall not exceed those named in the following schedule to wit: Patrolmen: *three hundred and fifty dollars (\$350.00) per month; sergeants, three hundred and seventy-five dollars (\$375.00) per month; assistant supervisors, director of public safety and education, four hundred dollars (\$400.00) per month; supervisor, six thousand dollars (\$6,000.00) per year; provided, however, that the salary of a probationary patrolman shall not exceed two hundred and fifty dollars (\$250.00) per month during his period of probationary service; in the event that said patrolman is appointed permanently, he shall receive his salary at time of appointment plus twenty dollars (\$20.00) per month for each additional year of service up to and including three hundred fifty dollars (\$350.00) per month.* Assistant supervisors, a director of public safety and education, and sergeants

Board to designate assistant supervisors, patrol sergeants, director of public safety, patrolmen.

Schedule of maximum salaries.

Proviso.

shall be selected from the patrolmen by the supervisor, subject to the approval of the highway patrol board. The duties and jurisdiction of the assistant supervisors, director of public safety and sergeants shall be outlined, defined and under the control of the supervisor, subject to the approval of the Montana highway patrol board.

Qualifications
of patrolmen.

“(a) Patrolmen shall possess the following qualifications:

1. Sound and active physical and mental condition.
2. Good moral character.
3. Resident of Montana for at least five (5) years last past.
4. Pass a satisfactory test in the operation of both automobiles and motorcycles.
5. Not over fifty-five percent (55%) of the patrol shall belong to one political party.
6. Citizen of the United States and State of Montana.

Probationary
training.

“For the purposes of this act, the supervisor, assistant supervisors, director of public safety and education, sergeants and patrolmen shall all be deemed patrolmen. The Montana highway patrol board shall prepare a schedule of compensation and expenses for all patrolmen and submit it to the state board of examiners for their approval, in conformity with this act. All patrolmen shall be placed under probationary training and service for a period of six (6) months to one (1) year, during which time the highway patrol supervisor must recommend to the highway patrol board for permanent appointments or the patrolmen will automatically be dismissed. Patrolmen filling vacancies caused by the incumbents' entrance into the armed forces of the United States, shall, on the return of the incumbents be placed in the patrol reserve, without pay; otherwise they shall hold their permanent appointments while there are sufficient operating funds. Reserve patrolmen shall then be used for future replacements in the permanent patrol.

Tenure of
employment.

“Every person employed or appointed and designated as a supervisor, assistant supervisor, sergeant, director of public safety and education, or patrolman under and pur-

suant to the provisions of this act, except as above provided, shall continue in service and hold his position without demotion until suspended, demoted, or discharged in the manner hereinafter provided, for one or more of the causes specified in the following paragraph.

“(b) Cause for suspension, demotion, or discharge will be:

Causes of
suspension,
demotion,
discharge.

1. Conviction of any crime involving moral turpitude in any court of competent jurisdiction subsequent to the commencement of such employment.

2. Gross neglect of duty or wilful violation or disobedience of orders or regulations.

3. Loitering about or entering places of ill fame, ill repute, or where gambling is known to be conducted or to be in progress, except in the immediate discharge of duty.

4. Conduct unbecoming an officer.

5. Drinking intoxicating liquor while using state-owned cars or in uniform, or being intoxicated in a public place.

6. Sleeping while on duty.

7. Incapacity, or partial incapacity, materially affecting his ability to perform his official duties.

8. Gross inefficiency in performing duties.

9. Active participation in any political campaign by supporting or opposing, directly or indirectly, any political candidate, or contributing financially or otherwise, directly or indirectly, to the success or defeat of any political party or candidate. The charge or charges against any such employee shall be made in writing and shall be signed and sworn to by the person making the same, which written charge or charges shall be filed with the supervisor of the Montana highway patrol. Any charges involving suspension or dismissal of the supervisor or an assistant supervisor shall be filed directly with the highway patrol board.

Filing
charges —
procedure.

“Upon the filing of the same, if the supervisor, in his opinion, believes that such charges constitute grounds for discharge, he shall order a hearing to be had thereon before the highway patrol board and fix a time for such hearing, otherwise he shall dismiss such charges.

Supervisor
to order
hearing or
dismiss
charge.

Notice of
hearing.

“(c) At least ten (10) days before the time appointed for said hearing, written notice specifying the charge or charges filed and stating the name of the person or persons making the charge or charges shall be served on the said employee personally, if his whereabouts is known, in the State of Montana. If at the time, the whereabouts of the said employee is unknown, or if he be outside of the State of Montana, service may be made upon him by mailing the said written notice to him at his last known place of residence in Montana.

Suspension
pending
decision.

“If the supervisor orders a hearing he may suspend such employee pending the rendition of the decision made in such case.

Board to
hear charges.

“The highway patrol board shall be the authority to hear such charge or charges and render a decision and appropriate order.

Witnesses,
evidence.

“The highway patrol board shall have the power to compel the attendance of witnesses at any such hearing and to examine them under oath and to require the production of books, papers, and other evidence at such hearing and for that purpose issue subpoenas and cause the same to be served and executed in any part of the state.

Employee's
rights.

“The employee accused shall be entitled to be confronted with the witnesses against him and have an opportunity to cross-examine the same and to introduce at such hearing testimony in his own behalf and shall be entitled to be represented by counsel at such hearing. The highway patrol board shall within fifteen (15) days after such hearing render its decision in writing and file same in its office with the supervisor and with the employee accused also.

Board may
penalize.

“If, after such hearing, the highway patrol board finds that any such charge or charges made against the employee are true, it may punish the offending party by reprimand, suspension without pay, demotion, or dismissal.

Appeal to
district court.

“(d) Any employee who is so suspended, demoted, or dismissed may have a right of appeal to the district court of Lewis and Clark county, within ten (10) days after such decision or determination of the highway patrol board, and said court shall review such decision or determination in a summary manner and shall render its decision upon

such appeal within ninety (90) days from the filing of such appeal in said court. If such decision or determination of the highway patrol board shall be finally reversed or modified by said court, the said employee shall be reinstated in his position and the highway patrol board shall pay to the said employee any salary or wages withheld from him pending the determination of the charge or charges, or as may be directed by the court.

“The highway patrol board shall have the authority to order the supervisor to file charges with the board if the supervisor in his judgment does not believe the charge or charges warrant a hearing.

Board
may order
charge filed.

“When the highway patrol supervisor has cause to believe that any member of the highway patrol has violated any of the hereinabove specified grounds for suspension, demotion or discharge, or his conduct has warranted reprimanding, he may, with the approval of the Montana highway patrol board, suspend, demote or reprimand the member. Suspension shall be without pay and for a period not to exceed twenty (20) days in time. In cases of demotion, the member shall receive the pay of the classification to which he is demoted.”

Supervisor
may suspend,
demote,
reprimand,
with board
approval.

Section 2. That all acts and parts of acts in conflict herewith be, and the same are hereby repealed.

Repealing
clause.

Approved March 5, 1953.

CHAPTER 220

An Act Amending Chapter 218, Laws of Montana, 1951, Relating to Civil Defense, by Amending Section 2 Thereof, (Section 77-1302, Revised Codes of Montana, 1947), Relating to the Policy and Purpose of the Civil Defense Agency; Amending Section 3 Thereof, (Section 77-1303, Revised Codes of Montana, 1947), Defining Terms; Amending Section 4 Thereof, (Section 77-1304, Revised Codes of Montana, 1947), Creating a State Civil Defense Agency; Amending Section 9 Thereof, (Section 77-1309, Revised Codes of Montana, 1947), Providing for Local Organization for Civil Defense; and Repealing Chapter 29, Laws of Montana, 1949, (Sections 82-2601, 82-2602, 82-2603, 82-2604 and 82-2605, Revised Codes of Montana, 1947), Relating to Montana State Disaster Council.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That section 2, chapter 218, laws of Montana, 1951, (Section 77-1302 of the Revised Codes of Montana, 1947), be, and the same is hereby amended to read as follows:

Policy and
purpose.

“Section 2. **Policy and Purpose.** Because of the existing and increasing possibility of the occurrence of disasters or emergencies of unprecedented size and destructiveness resulting from enemy attack, sabotage or other hostile action, *and natural disasters*, and in order to insure that preparation of this state will be adequate to deal with such disasters or emergencies, and generally to provide for the common defense and to protect the public peace, health and safety and to preserve the lives and property of the people of the state, it is hereby found and declared to be necessary:

Adding
natural
disasters.

(1) To create a state civil defense agency, and to authorize the creation of local organizations for civil defense in the political subdivisions of the state; and

(2) To provide for the rendering of mutual aid among the political subdivisions of the state, and with other states, and with the federal government with respect to carrying out of civil defense functions.”

Amending
clause.

Section 2. That section 3, chapter 218, laws of Montana, 1951, (Section 77-1303 of the Revised Codes of Montana, 1947), be, and the same is hereby amended to read as follows:

Civil defense
defined.

“Section 3. **Definitions.** As used in this act the term ‘civil defense’ shall mean the preparation for and the carrying out of emergency functions, other than functions for which military forces or other federal agencies are primarily responsible, to prevent, minimize, and repair injury and damage resulting from disasters caused by enemy attack, sabotage, or other hostile action, *and catastrophes of all types which shall endanger any community in the state, or the lives or property of the inhabitants thereof, including storms, floods, explosions, earthquakes, epidemics and fires.* These functions include fire fighting services, police services, medical and health services, rescue, engineering, air raid warning services, communications, radiological, chemical and other special weapons of de-

Catastrophes
added.

fense, evacuation of persons from stricken areas, emergency welfare services (civilian war aid), emergency transportation, plant protection, temporary restoration of public utility services, and other functions related to civilian protection. The term 'political subdivisions' shall mean the counties, cities, towns and villages in the State of Montana."

Section 3. That section 4, chapter 218, laws of Montana, 1951, (Section 77-1304 of the Revised Codes of Montana, 1947), be, and the same is hereby amended to read as follows:

Amending clause.

"Section 4. **State Civil Defense Agency.** (a) There is hereby created in the state adjutant general's department, a civil defense agency, with a director of civil defense (hereinafter called the 'director') who shall be the head thereof. The director shall be appointed by, and shall hold office at the pleasure of the governor, and shall be compensated at a salary to be fixed by the governor, which salary however, shall not exceed six thousand six hundred dollars (\$6,600.00) per year. The director shall devote his full time and energies to the duties of director of civilian defense including co-operation and co-ordination with the commander of the home guard.

Creation of state civil defense agency.

Director, appointment, tenure, salary.

"(b) The director may employ such technical, clerical, stenographic and other personnel and fix their compensation, and may make such expenditures as may be necessary to carry out the purposes of this act.

Employees.

"(c) The director and other personnel of the civil defense agency shall be provided with appropriate office space, furniture, equipment, supplies, stationery and printing in the same manner as provided for personnel of other state agencies.

Office and facilities.

"(d) The director shall be the executive head of the civil defense agency and shall be responsible to the governor for carrying out the program for civil defense of this state. He shall coordinate the activities of all organizations for civil defense within the state, and shall maintain liaison with and co-operate with civil defense agencies and organizations of other states, of the federal government, and Canada, and shall have such additional authority, duties, and responsibilities authorized by this act as may be prescribed by the governor."

Duties of director.

Not to limit
Red Cross
responsi-
bilities.

(e) In providing assistance hereunder, state agencies shall co-operate to the fullest extent possible with each other and with local governments, relief agencies, and the American National Red Cross, but nothing contained in this act shall be construed to limit or in any way affect the responsibilities of the American National Red Cross under the act approved January 5, 1905, (33 Stat. 559), as amended.

Amending
clause.

Section 4. That section 9, chapter 218, laws of Montana, 1951, (Section 77-1309 of the Revised Codes of Montana, 1947), be, and the same is hereby amended to read as follows:

Local
organization
for civil
defense.

“Section 9. **Local Organization for Civil Defense.** (a) Each political subdivision of this state is hereby authorized and directed to establish a local organization for civil defense in accordance with the state civil defense plan and program. The executive officer or governing body of the political subdivisions is authorized to appoint a director who shall have direct responsibility for the organization, administration and operation of such local organization for civil defense, subject to the direction and control of such executive officer or governing body. Each local organization for civil defense shall perform civil defense functions within the territorial limits of the political subdivisions within which it is organized.

Duties of
political
subdivisions.

“(b) Each political subdivision shall have the duty and authority:

(1) To direct and co-ordinate the development of civil defense plans and programs in accordance with the policies and plans set by the federal and state civil defense agencies.

(2) To appoint, employ, remove, or provide without compensation, voluntary air raid wardens, rescue teams, auxiliary fire and police personnel, and other civilian defense workers.

(3) To establish a primary and one or more secondary control centers to serve as command posts during an emergency.”

Adding to
local budget.

(4) To budget for and appropriate funds for the local administration of this act and local civil defense organizations.

Section 5. That chapter 29, laws of Montana, 1949, (Sections 82-2601, 82-2602, 82-2603, 82-2604 and 82-2605, Revised Codes of Montana, 1947), relating to Montana state disaster council is hereby repealed.

Repealing
chapter 29,
M. Sess. L.,
1949.

Section 6. If any provision of this act shall be held unconstitutional or otherwise invalid, such invalidity shall not affect the provisions of this act, which can be given effect without the invalid provision, and to this end the provisions of this act are declared to be severable.

Severability
clause.

Section 7. This act shall become effective upon its passage and approval.

Effective
immediately.

Approved March 5, 1953.

CHAPTER 221

An Act to Amend Section 84-1818, Revised Codes of Montana, 1947, as Amended by Chapter 168 of the Laws of the Thirty-first Legislative Assembly, 1949, and Chapters 198 of the Laws of the Thirty-first Legislative Assembly, 1949, Relating to Refund of Gasoline License Tax, the Procedure Therefor, Providing for Permits for Filing Claims and Providing a Fee Therefor, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 84-1818, Revised Codes of Montana, 1947, as amended by chapter 168 of the laws of the thirty-first legislative assembly, 1949, and chapter 198 of the laws of the thirty-first legislative assembly, 1949, be, and the same is hereby amended to read as follows:

Amending
clause.

“84-1818. (2396.4) **Refund of Gasoline License Tax — Procedure.** (1) That any person who shall purchase and use any gasoline, with reference to which there has been paid into the treasury of the State of Montana, under the laws of this state licensing dealers in gasoline, a state gallonage tax, for the purpose of operating or propelling stationary gas engines, tractors used for purposes other than on the public highways or streets of this state, motor boats, aeroplanes or aircraft, or for cleaning or dyeing, or for any commercial use other than propelling vehicles

Refund gaso-
line tax —
procedure.

Refunds to
county, city,
town or
school district.

What
claimant
must show.

Filing appli-
cations —
time limit.

upon any of the public highways or streets of this state, and who has paid said tax either directly to the State of Montana or indirectly as a part of the purchase price of said gasoline, shall be allowed and paid as a refund or drawback an amount of money equal to the unit state gallonage tax, multiplied by the number of gallons of gasoline so purchased and used, provided that counties, incorporated cities, towns and school districts of this state shall be entitled to said refund or drawback of said tax by any such county, city, town or school district upon gasoline used by it in the performance of any of its governmental and proprietary functions, or either, imposed or authorized by law, including construction, maintenance and repair of all roads, highways and public places within the county limits and all streets, avenues, alleys and other public places within the corporate limits of such city or town; provided, that such refund or drawback shall in no instance exceed the total amount of the tax paid or to be paid, to the State of Montana, upon presenting to the board of equalization of the State of Montana, within the time allowed by law, a sworn statement, accompanied by the invoice or invoices issued to the claimant at the time of purchase of such gasoline showing such purchase and use, which statement shall set forth in words and figures, the total amount of the gasoline so purchased, and the purpose for which the same was actually used, the amount of the tax and such additional information as may be required by said board on forms to be furnished by them.

“(2) All such applications for refunds or drawbacks shall be filed with the board of equalization of the State of Montana within *eight (8)* months after the date on which such gasoline was purchased as shown by such invoices. The said board shall have *one hundred twenty (120)* days thereafter within which to make such investigation as it may desire, to ascertain the truths of the statements made. If the statement is found to be correct and is approved by said board and the state board of examiners, the state auditor shall draw his warrant upon the state treasurer for the amount of such claim and same shall be paid out of the gasoline license tax drawback fund in the same manner as other claims against the state are paid. Such refund or drawbacks shall be made only to, and on the application of, the actual purchaser and user of the

gasoline upon which refund is claimed and the burden of establishing the validity of the claim rests upon the claimant.

“(3) Should the board of equalization, after investigation, find that the statement so made by said consumer contains errors which, in the opinion of the board were not inserted for the purpose of fraud, it may correct the statement and approve the same as corrected whereupon warrant shall issue, after approval by the state board of examiners, as above provided, or the board may, in its discretion, require the claimant to file an amended statement before action is taken thereon. If, upon investigation, it shall be determined by the state board of equalization that any claim has been fraudulently presented or is supported, as to any item therein by invoice or invoices fraudulently made or altered in any manner, or that any statement in the claim contained or the affidavit thereto, is wilfully false in any particular and so made for the purpose of misleading said board, the board may reject such claim in toto.

Board of
equalization,
correction
or rejection
of claim.

“(4) Any person desiring to claim refund on gasoline purchased shall obtain from the state board of equalization a permit by application therefor, on such form as the board shall prescribe, which application shall be made under oath and shall contain, among other things, the name, address and occupation of the applicant, the nature of the business, and a sufficient description for identification of the machines or equipment in which the taxable motor fuel is to be used for which refund may be claimed under such permit.

Permits
required,
contents.

“(5) Each permit issued shall bear a permit number and each claim filed shall bear the permit number of the claimant. It shall be the duty of the state board of equalization to keep a record of all permits issued and a cumulative record of refund claimed and paid thereunder.

Record of
permits —
fee, renewal.

A fee of one dollar (\$1.00) shall be collected from each person to whom a refund permit is issued after July 1, 1953. No refund shall be paid to any person after July 1, 1953, unless said person has first secured a refund permit and paid said fee. The refund permit must be renewed and the license fee paid every five years from the date of issuance.

Suspension
of permit.

“(6) Whenever a claim shall be rejected, as *herein* provided, the state board of equalization may suspend the claimant’s permit, for a period not exceeding one year, and no claim shall thereafter be approved or allowed for refund on any gasoline purchased by such claimant during such period of suspension.

State sub-
divisions
subject to all
conditions;
responsibility
of agents.

“(7) All of the subdivisions of the state mentioned herein shall be subject to all of the conditions, rules and regulations applicable to individuals and as such subdivisions can act only by their officers and agents in presenting claims for refund they shall be responsible for and bound by the acts and declarations of such officers and agents.

Separate
invoices for
each purchase.

“(8) When gasoline is sold to a person who shall claim to be entitled to a refund of the tax imposed, the seller of such gasoline shall make and deliver at the time of such sale separate invoices for each purchase on invoice forms approved by the state board of equalization showing the name and address of the seller and the name and address of the purchaser, the number of gallons of gasoline so sold in words and figures and the date of such purchase, which invoice, attached to the claim presented shall be the only proof upon which a legal claim can be made for a refund based upon such purchase; provided, however, that in case the separate invoice delivered to the purchaser at the time of sale be destroyed by fire or tornado or flood or other catastrophe beyond his control he may make claim to the board of equalization for such refund, supporting the same by affidavit and such evidence as may be required by the board, including an actual duplicate carbon copy of the original invoice or invoices. If the board be satisfied as to the sufficiency of the claim and supporting evidence, proper refund shall be made six (6) months thereafter. Except where surrendered to the purchaser for such purpose, the seller shall retain the duplicate original invoices for the period of one year from and after the date of issuance, during which period they shall be open to inspection by the state board of equalization and its agents. Such invoices shall be legibly written and shall be void if any corrections or erasures appear on the face thereof.”

Claim, where
invoice
destroyed —
procedure.

Seller to retain
duplicate
original in-
voice 1 year.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Approved March 5, 1953.

CHAPTER 222

An Act Relating to the Salaries of County Officers; Providing for Fixing and Determining the Amount of Such Salaries on the Basis of Population and Taxable Valuation of the county; Providing the Method and procedure to be Followed in Fixing the Amount of Such Salaries; Providing That This Act Shall Not Effect Any Change in the Salary of Any County Officer in Office on the Effective Date Hereof; Amending Section 25-605, Revised Codes of Montana, 1947, as Amended by Chapter 118, Session Laws of 1951, and Amending Sections 25-606, 25-607, and 25-609, Revised Codes of Montana, 1947, as Amended by Chapter 177, Session Laws of 1949; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 25-605, Revised Codes of Montana, 1947, as amended by chapter 118, session laws of 1951, be, and the same is hereby amended to read as follows: Amending clause.

“25-605. **Salaries of Certain County Officers.** The salaries of county treasurers, county clerks, county assessors and county superintendents of schools, and of county surveyors in counties where county surveyors now receive salaries, as provided in Section 32-303, *Revised Codes of Montana, 1947*, shall be based on the population and taxable valuation of the county in accordance with the following schedule: Salaries of certain county officials.

Population of County	Salary Col. A	Taxable Valuation of County	Salary Col. B
Below 3,000	\$1,310	Below \$2,000,000	\$1,310
3,000 to 3,999	1,358	2,000,000 to 2,999,999	1,358
4,000 to 4,999	1,406	3,000,000 to 3,999,999	1,406
5,000 to 5,999	1,454	4,000,000 to 4,999,999	1,454
6,000 to 6,999	1,502	5,000,000 to 5,999,999	1,502

7,000 to 7,999	1,550	6,000,000 to 6,999,999	1,550
8,000 to 8,999	1,598	7,000,000 to 7,999,999	1,598
9,000 to 9,999	1,646	8,000,000 to 9,999,999	1,646
10,000 to 12,499	1,694	10,000,000 to 11,999,999	1,694
12,500 to 14,999	1,742	12,000,000 to 13,999,999	1,742
15,000 to 17,499	1,790	14,000,000 to 15,999,999	1,790
17,500 to 19,999	1,838	16,000,000 to 17,999,999	1,838
20,000 to 24,999	1,886	18,000,000 to 19,999,999	1,886
25,000 to 29,999	1,934	20,000,000 to 22,499,999	1,934
30,000 to 39,999	1,982	22,500,000 to 24,999,999	1,982
40,000 to 49,999	2,030	25,000,000 to 29,999,999	2,030
50,000 to 59,999	2,078	30,000,000 to 34,999,999	2,078
60,000 to 69,999	2,126	35,000,000 to 39,999,999	2,126
70,000 to 79,999	2,174	40,000,000 to 44,999,999	2,174
80,000 and over	2,222	45,000,000 to 49,999,999	2,222
		50,000,000 to 54,999,999	2,270
		55,000,000 to 59,999,999	2,318

Procedure to
determine
salary.

“The total salary paid to county treasurers, county clerks, county assessors and county superintendents of schools and of county surveyors in counties where county surveyors now receive salaries, as provided in Section 32-303, *Revised Codes of Montana, 1947*, shall be the sum of the salary shown in Column A based on population when added to the salary shown in column B based on taxable valuation, *provided that the minimum salary to be paid under the foregoing schedule will not be less than twenty-nine hundred eight (\$2908.00) dollars per annum.*”

Amending
clause.

Section 2. That Section 25-606, *Revised Codes of Montana, 1947*, as amended by chapter 177, session laws of 1949, be, and the same is hereby amended to read as follows:

Salary of
sheriff.

“25-606. **Salary of Sheriff.** The salary of the county sheriff shall be *three thousand dollars (\$3,000.00)* in counties where the county treasurer is paid this amount or less, and *four thousand two hundred dollars (\$4,200.00)* in counties having a population of over forty thousand (40,000). In all other counties the salary of the sheriff shall be the same as that of the county treasurer.”

Amending
clause.

Section 3. That Section 25-607, *Revised Codes of Montana, 1947*, as amended by chapter 177, session laws of 1949, be, and the same is hereby amended to read as follows:

"25-607. Salary of County Attorney. The salary of the county attorney shall be *two thousand two hundred ninety-six dollars (\$2,296.00)* in counties of less than four thousand (4,000) population. In counties with a population of over forty thousand (40,000) the salary of the county attorney shall be *three thousand seven hundred dollars (\$3,700.00)*. In all other counties the salary of the county attorney shall be the same as that of the county treasurer."

Salary of
county
attorney.

Section 4. That Section 25-609, Revised Codes of Montana, 1947, as amended by chapter 177, session laws of 1949, be, and the same is hereby amended to read as follows:

Amending
clause.

"25-609. **Salaries Fixed by County Commissioners in September of Each Election Year.** In September of any year in which the county treasurer, county clerk, county assessor, county school superintendent, county sheriff, county attorney, or clerk of the district court is to be elected, the county commissioners shall, by resolution, fix the salaries of the officials to be elected in conformity with the schedule in section 1, based on the population as shown in the last *decennial federal census* and on the taxable valuation of the county at the time the salaries are fixed. *Salaries so fixed shall apply during the entire term for which the foregoing officials are elected and should a vacancy occur, the person appointed or elected to fill the unexpired term in the office vacated shall receive the same salary as the person vacating the office.*"

Salaries fixed
each election
year.

Vacancies —
salary remains
same.

Section 5. This act shall be in full force and effect from and after its passage and approval, but nothing contained herein shall be construed to or shall in any manner effect an increase of the salary or emolument of any of the public officers hereinbefore mentioned who are in office at the date this act goes into effect, such officers being entitled to the same salaries they are receiving at the date this act takes effect for the remainder of the terms for which they are elected.

Effective
date —
incumbents'
salaries not
to be increased
hereby.

Section 6. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing
clause.

Approved March 5, 1953.

CHAPTER 223

An Act to Amend Section 26-301 of the Revised Codes of Montana, 1947, as amended by Chapter 126, Session Laws of 1951, Relative to the Restrictions of Manner of Taking and Possessing Fish and Game, and Powers of the Commission Relating Thereto; to Repeal Provisions in Paragraph Five (5) Relating to Catching Fish in the Yellowstone, Missouri, Kootenai, Powder River, Little Powder, Little Missouri Rivers and Box Elder Creek in Carter County, Beaver Creek in Wibaux County, O'Fallon Creek in Fallon County and Certain Other Streams; and to Authorize the Commission to Designate Streams Where Set Lines May be Used to Catch Game or Nongame Fish.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 26-301 of the Revised Codes of Montana, 1947, as amended by chapter 126, session laws of 1951, be, and the same is hereby amended to read as follows:

Restricting
manner of
taking fish
and game.

“26-301. **Restrictions of Manner of Taking and Possessing Fish and Game and Powers of Commission Relating Thereto.** 1. It shall be unlawful for anyone to take, capture, shoot, kill, or attempt to take, capture, shoot or kill, any game animal, or game bird from any automobile or on, or from any public highway in the State of Montana, or by the aid or with the use of any set gun, jack-light, or other artificial light, trap, snare, salt lick nor shall any such set gun, jack-light or other artificial light, trap, snare, salt lick or other device to entrap or entice game animals or game birds be used, made or set; provided, however, that this does not prohibit the shooting of wild waterfowl from blinds over decoys with a gun only, not larger than a number ten (10) gauge fired from the shoulder, nor shall any game fish be caught, captured or taken, or attempted to be caught, captured or taken by the aid or with the use of any gun or trap, nor shall any such set gun or trap or other device to entrap game fish be used, made or set.

Use of aero-
plane, power
boat, for-
bidden.

“2. No game birds or game or fur-bearing animals shall be killed, taken or hunted from any aeroplane, nor

shall any aeroplane be used for the purpose of concentrating, pursuing, driving, rallying or stirring up any game or migratory birds, game or fur-bearing animals, nor shall any powerboat, sailboat, or any boat under sail or any floating device towed by a powerboat, sailboat, or any boat under sail be used for the purpose of killing, capturing, taking, pursuing, concentrating, driving or stirring up any game birds, or migratory waterfowl, or game or fur-bearing animals.

"3. No person shall take into a field or forest or have in his possession while out hunting, any device or mechanism devised to silence or muffle or minimize the report of any firearms, whether such device or mechanism be operated from or attached to any firearm.

Firearm
silencer
forbidden.

"4. No person shall chase with dogs any of the game or fur-bearing animals as defined by the fish and game laws of this state; provided, however, that livestock owners, employees of the state fish and game commission and of the United States bureau of biological survey may use dogs in pursuit of stock-killing bears, or other means of taking stock-killing bears except the use of the dead fall; providing, however, that traps used in capturing bear shall be inspected twice each day, which inspection shall be twelve (12) hours apart; and provided further, that a person may take game birds during the open season thereof, with the aid of a dog or dogs and any person or association organized for the protection of game, may run field trials at any time upon obtaining written permission from the state fish and game warden.

Chasing with
dogs —

Exception.

Bear traps,
inspection
required.

Bird dogs
excepted.

"5. *The state fish and game commission shall have the power to designate certain waters where set lines may be used to fish for certain species of game or nongame fish, and the commission may designate the number of hooks and length of line or lines which may be used as set lines.*

Commission
may designate
waters for set
line fishing.

"6. Game fish shall be taken only by angling, that is by hook and single line in hand or single rod in hand, or within immediate control; this does not prevent, however, the use of a landing net or gaff to land a game fish after the same has been hooked by angling as above specified, nor does it prevent the taking of minnows other than game fish variety by the use or aid of a net not to exceed twelve

Game fish to
be taken by
angling only.

(12) feet in length and three (3) feet in width, in such waters as may be designated by the commission.

Salmon eggs or
spawn—
possession
unlawful.

“7. It is hereby made unlawful for any person, persons, firm or corporation to sell or have in their possession, any salmon eggs or salmon spawn, or any imitations thereof, or substance prepared therefrom, and it shall also be unlawful for any person or persons to use in any of the waters in this state any salmon eggs or other fish spawn, or any imitation or substance prepared therefrom, as a fish bait or fish lure.

Regulating
catching game
fish through
ice.

“8. It shall be unlawful to catch any game fish through the ice, or through a hole in the ice, except in such waters as are designated under proper order of the state fish and game commission. In case any game fish is unintentionally taken contrary to the prohibition or restrictions contained in this act, such fish shall be immediately liberated and returned to the water without unnecessary injury.

Fishing
seasons —
commission
to regulate.

“9. The state fish and game commission shall have the power to change or suspend the closed season on game fish so as to meet local conditions. The said commission shall have the power to set the opening dates of fishing season; provided, however, that they shall open the season in the several localities on a Sunday.

When order or
regulations
effective.

“10. Whenever said fish and game commission shall have made any orders, rules or regulations for the carrying out of the powers granted to it under this act, the same shall take effect and be in force from and after the publication and posting of notice of said orders, rules and regulations as required by the fish and game laws.

Penalty.

“Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and shall be punishable as provided by Section 26-324. Revised Codes of Montana, 1947.”

Repealing
clause.

Section 2. Repealing all acts and parts of acts in conflict herewith.

Approved March 5, 1953.

CHAPTER 224

An Act to Amend Section 93-2504, Revised Codes of Montana, 1947, Relating to the Time within which actions

Must be Commenced, Relating to Real Property, Section 93-2505, Revised Codes of Montana, 1947, Relating to the Time Within Which Action Must be Commenced, Relating to Title or Rents of Real Property, Section 93-2506, Revised Codes of Montana, 1947, Relating to the Time in which Actions Must be Commenced After the Entry upon Real Property, Section 93-2507, Revised Codes of Montana, 1947, Relating to the Presumption of Legal Title to Real Property, Section 93-2508, Revised Codes of Montana, 1947, Relating to Adverse Possession of Real Property, Section 93-2512, Revised Codes of Montana, 1947, Relating to Adverse Possession by Former Tenant of Real Property, Section 93-2513, Relating to Payment of Taxes on Real Property Held Adversely, Section 93-2515, Revised Codes of Montana, 1947, Relating to the Exclusion of Certain Disabilities in Determining Time in Which Actions May be Commenced Concerning Real Property; Directing That Invalidity of a part of This Act Shall Not Affect or Impair the Remainder, Making This Act Effective Upon July 1, 1953, and Repealing All Acts or Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 93-2504 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending
clause.

“93-2504. No action for the recovery of real property, or for the possession thereof, can be maintained, unless it appear that the plaintiff, his ancestor, predecessor, or grantor, was seized or possessed of the property in question within *five* years before the commencement of the action. No action for the recovery of dower can be maintained by a widow unless the action is commenced within ten years after the death of her husband.”

Real property
recovery action
barred after
5 years.

Dower action
barred after
10 years.

Section 2. That Section 93-2505 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending
clause.

“93-2505. No cause of action, or defense to an action, arising out of the title to real property, or to rents or profits out of the same, can be effectual, unless it appear that the person prosecuting the action, or making the

Actions on
title, rents, or
profits of real
property —
5-year
limitation.

defense, or under whose title the action is prosecuted or the defense is made, or the ancestor, predecessor, or grantor of such person, was seized or possessed of the premises in question within *five* years before the commencement of the act in respect to which such action is prosecuted or defense made."

Amending
clause.

Section 3. That Section 93-2506 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

When actions
must be
commenced
on entrys.

"93-2506. No entry upon real estate is deemed sufficient or valid as a claim, unless an action be commenced thereupon within one year after making such entry, and within *five* years from the time when the right to make it descended or accrued."

Amending
clause.

Section 4. That Section 93-2507 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Presumption
of title—
adverse
possession
5 years.

"93-2507. In every action for the recovery of real property, or the possession thereof, the person establishing a legal title to the property is presumed to have been possessed thereof within the time required by law, and the occupation of the property by any other person is deemed to have been under and in subordination to the legal title, unless it appear that the property has been held and possessed adversely to such legal title for *five* years before the commencement of the action."

Amending
clause.

Section 5. That Section 93-2508 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Claim of title
by written
instrument
or decree, 5
years continu-
ous occupation
deemed
adverse
possession.

"93-2508. When it appears that the occupant, or those under whom he claims, entered into the possession of the property under claim of title, exclusive of other right, founding such claim upon a written instrument, as being a conveyance of the property in question, or upon the decree or judgment of a competent court, and that there has been a continued occupation and possession of the property included in such instrument, decree, or judgment, or of some part of the property, under such claim, for *five* years, the property so included is deemed to have been held adversely, except that when it consists of a tract divided into lots, the possession of one lot is not deemed a possession of any other lot of the same tract."

Where lots,
presumption
restricted.

Section 6. That Section 93-2512 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending
clause.

"93-2512. When the relation of landlord and tenant has existed between any persons, the possession of the tenant is deemed the possession of the landlord until the expiration of *five* years from the termination of the tenancy, or, where there has been no written lease, until the expiration of *five* years from the time of the last payment of rent, notwithstanding such tenant may have acquired another title, or may have claimed to hold adversely to his landlord. But such presumptions cannot be made after the periods prescribed in this section."

Possession
of tenant
deemed
possession
of landlord,
unless 5 years
adverse.

Section 7. That Section 93-2513 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending
clause.

"93-2513. In no case shall adverse possessions be considered established under the provisions of any section or sections of this code unless it shall be shown that the land has been occupied and claimed for a period of *five* years continuously, and the party or persons, their predecessors and grantors, have, during such period, paid all the taxes, state, county, or municipal, which have been legally levied and assessed upon said land."

5 years and
payment
of taxes
necessary
for adverse
possession.

Section 8. That Section 93-2515 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending
clause.

"93-2515. If a person entitled to commence an action for the recovery of real property, or for the recovery of the possession thereof, or for dower, or to make any entry or defense founded on the title to real property, or to rents or services out of the same, is at the *same* time such title first descends or accrues, either

Certain
disabilities
toll
limitation.

1. Within the age of majority; or,
2. Insane; or,
3. Imprisoned on a criminal charge, or in execution upon conviction of a criminal offense, for a term of less than for life.

The time during which disability continues is not deemed any portion of the time in this chapter limited for the

commencement of such action, or the making of such entry or defense, but such action may be commenced, or entry or defense made, within the period of *five* years after such disability shall cease, or after the death of the person entitled, who shall die under such disability; but such action shall not be commenced or entry, or defense made, after that period."

Severability
clause.

Section 9. If any clause, sentence, paragraph, section, subdivision, or part of this act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, inoperative or unconstitutional, such decision shall not affect, impair or invalidate the remaining portions of this act, but shall be confined in its operation to the clause, sentence, paragraph, section, subdivision, or part directly adjudged to be invalid, inoperative or unconstitutional.

Repealing
clause.

Section 10. All acts or parts of acts in conflict herewith are hereby repealed.

Effective
date.

Section 11. This act shall be in full force and effect from and after July 1, 1953.

Approved March 5, 1953.

CHAPTER 225

An Act to Amend Section 68-501 of the Revised Codes of Montana, 1947, as Amended by Chapters 186 and 224 of the Laws of 1951, to Provide That the Terms of Office of Members of the Board of Administration of the Public Employees' Retirement System Shall be Five (5) Years; Provided That the Terms of Those First Appointed After This Act Takes Effect Shall be for Terms Respectively of One (1), Two (2), Three (3), Four (4), and Five (5) Years; and to Provide Further That the Per Diem Compensation of Members of the Board Shall be Paid Only to Those Members Who Are Not Members of the Public Employees' Retirement System; and Amend Section 68-1101, of the Revised Codes of Montana, 1947, as Amended by Chapter 186 of the Laws of Montana, 1951, Relating to the Option of Beneficiary to Receive Death Benefit or Survivorship Allowance.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 68-501 of the Revised Codes of Montana, 1947, as amended by chapters 186 and 224 of the laws of 1951, be, and the same hereby is amended to read as follows:

Amending
clause.

“68-501. **Board of Administration.** The board of administration shall consist of five (5) members appointed by the governor, three (3) of which members shall be public employees and shall be members of the retirement system, and two (2) of which shall be members at large. *Terms of office shall be for five (5) years provided, however, that those first appointed after this act takes effect shall be for terms, respectively, of one (1), two (2), three (3), four (4), and five (5) years but their successors shall hold office for terms of five (5) years; provided not more than one (1) employee member of the retirement board shall be an employee of the same department, bureau or agency of the state or contracting public agency. Members of the board shall be paid their actual and necessary expenses and those members of the board who are not members of the public employees' retirement system shall be entitled to receive in addition to actual and necessary expenses compensation at the rate of ten dollars (\$10.00) per day.*

Board of
administration,
members.

Terms.

Compensation.

“The attorney general is hereby designated legal counsel for the board.

“(a) Vacancy on board — how filled. Any vacancy occurring ninety (90) days or more before the expiration of the term of any member of the retirement board shall be filled by appointment by the governor. The person thus appointed shall serve for the remainder of the unexpired term.

Vacancies.

“(b) The board may establish such rules and regulations as it deems proper, within the limitations of this act and for its proper administration, operation and enforcement. The board shall elect one (1) of its members president, and shall appoint and fix the compensation of a secretary who shall have the power to administer oaths, and other necessary employees. It shall maintain its office in the city of Helena. A quorum of the board shall be three (3) members. The board may appoint a committee

Powers
and duties.

of one or more of its members, which shall have authority to perform routine acts, such as retirement of members and fixing of retirement allowances, approval of death claims and correction of records necessary in the administration of the system in accordance with the provisions of this act and rules and regulations of the board. All expenses of the administration of this act in excess of amount provided by the one dollar (\$1.00) membership fee shall be a charge on the appropriation made from general fund of the state.

To determine
employees,
eligibility.

“(c) The board shall determine who are employees within the meaning of this act and shall be the sole authority and judge under this act as to the conditions under which persons may be admitted to and continue to receive benefits under the retirement system, and shall have exclusive control of the administration and investment of the fund. As soon as practical after the close of each fiscal year, the board shall file with the governor a report of its work for such fiscal year.

Service and
disability
allowances.

“(d) Subject to the following and to all other provisions of this act, and such rules and regulations as it may adopt in pursuance thereof, the board shall determine and may modify allowances for service and disability.

Credits for
service.

“(e) The board of administration shall fix and determine how much service rendered in any fiscal year shall be the equivalent of a year of service and parts thereof, but shall credit one (1) year for two hundred and fifty (250) or more days of service rendered by employees on a per diem basis and one (1) year for ten (10) months or more of service rendered by employees on a monthly basis, but not more than one (1) year for all service in any fiscal year. In determining the credit to be granted for service rendered on a part time basis, for purposes of calculating retirement allowances, the service shall be reduced to a full time basis according to the service required, in the next preceding sentence, for credit for one (1) year of service. In calculating benefits based on service so determined, except in calculating the additional pension provided in subdivision (g) of section 68-901 compensation earnable shall be taken as the compensation which would be earnable if the employment had been on a full time basis, and with a compensation derived by multiplying the member's compensation by ratio of full time to

the time he was required by his employment to engage in his duties. In calculating the credit to be granted for service rendered on a part time basis, for purposes of determining qualifications for retirement, and of calculating benefits payable upon death before retirement, the service required in this paragraph for credit for a year of service shall not be used, but instead, a year of service shall be credited for each year during which the member was employed throughout the year on a part time basis and was engaged in his duties the full amount of time he was required by his employment to be so engaged. Credit for fractional years will be granted to the extent of the fraction derived by dividing the time during which the member was engaged in his duties within the year, by the time he was required by his employment to be so engaged.

“(f) Time during which a member is absent from public service without compensation shall not be allowed in computing service; except that time during which a member is absent from public service by reason of having been ordered on duty with the armed forces of the United States, or by reason of voluntary service by the member in said forces or on ships operated by or for the United States government, either during a war involving the United States as a belligerent or in any other national emergency, and for ninety (90) days thereafter shall be considered as time spent in public service, for the purpose of qualification for retirement and death benefits, but not for calculation of retirement benefits unless the member elects to contribute and contributes under the retirement system. Any member so absent and until his return within the said ninety (90) days may resign from the system. Any members so absent shall have the right to contribute to said system, either during his service with the armed forces of the United States or in the merchant marine of the United States, and ninety (90) days thereafter or upon his return to the state service, at times and in a manner fixed by the board of administration, amounts equal to the contribution which would have been made by him to the system on the basis of his compensation earnable at the commencement of his absence. If he does so contribute he shall receive credit for public service for such time in the same manner as if he had not been absent from public service. Whenever a member elects to continue his con-

When absence from public service without compensation allowed.

tributions, the state or the contracting city, or county or other agency shall thereupon contribute an amount equal to that which it would have contributed under section 68-1307 or under the contract between the board and the legislative body, as the case may be, if the member had not been absent from state service.

“Any member so absent or any member absent from state service by reason of having been ordered by an authorized official of the State of Montana or the United States, to duties outside state service shall be paid upon his request, his accumulated contributions. Such payment shall terminate any election by said member under this section to contribute.

“Time during which a member is absent from public service by reason of injury or illness determined within one (1) year after the end of such absence as arising out of and in the course of his employment, shall be considered as spent in public service, for the purpose of qualification for retirement and death benefits, but not for the calculation of retirement benefits, except as he received compensation, as defined in this act and as distinguished from disability indemnity under the workmen’s compensation act during the absence, and then only to the extent of compensation received.

Employees
to file
information
as board
requires.

“(g) Each employee shall file with the board of administration such information affecting his status as a member of the retirement system as the board may require.

Credit for
prior service.

“(h) Credit for prior service shall be granted to each person other than persons who are employees of the university or of a contracting city at the time of becoming members of the retirement system, who has rendered such service as defined in this act, and who has become a member of the retirement system on January 1, 1946, or within three (3) years after last rendering prior service. Credit for prior service shall be granted to each person who is employed by the university at the time of becoming a member of the retirement system regardless of whether he had been retired under the system prior to the effective date hereof, who has rendered such service as defined in this act and who has become a member of the retirement system on January 1, 1946, or within three (3) years after last rendering prior service.

"Credit for prior service shall be granted to each person who is employed by a contracting city at the time of becoming a member of the system, who has rendered such service as defined in this act, and who has become a member of the retirement system within three (3) years after last rendering prior service. Notwithstanding the three (3) sentences next preceding, credit for prior service shall be granted to each person employed by the state including the university; who became a member while employed on a part time basis, because of amendments to this retirement act, or who became a member prior to said amendments, because of a change in status to a full time basis. The credit for prior service to be granted persons employed by a contracting city who are included under the retirement system shall be established by contract between the board and the legislative body of such city; and such credit as may be granted to a person shall be in the form of a percentage, not to exceed the analogous percentage applicable to employees of the state, for each year of prior service. Prior service so credited shall be the basis for a retirement allowance or benefit as provided in this act only if the membership in the retirement system continues unbroken until retirement or retirement allowance or until the granting of such other benefit; provided, that termination of membership by withdrawal of accumulated contributions followed by the redeposit of such contributions upon re-entrance into public service as herein provided shall not constitute a break in membership, but this section shall not be construed to entitle any person to credit as prior service for time during which he was not in public service as defined in this act.

Credit for prior service —
city employees.

Credit for prior service shall be granted to all persons who have been at any time since July 1, 1945, or who may at any time hereafter become members or employees of the state or of a contracting city, contracting county, public agency or contracting public agency, notwithstanding any other provisions of the public employees' retirement act, as amended or supplemented; subject however, to the following conditions: namely, that any such person desiring to qualify for the benefits of the act must contribute to the pension accumulation fund of the public employees' retirement system for the purpose of accomplishing such qualification, an amount which shall be based on age and

Credit for persons employed since July 1, 1945.

Conditions.

"Original membership" defined.

sex at the time of original membership, and upon the compensation earnable by such person during the month preceding the separation of such person from the state service. The time of original membership is hereby defined as the date when any such person elects to become a member of the public employees' retirement system.

Prior service credits to retired members.

Provided that credit for prior service shall be granted to all retired members for all state service rendered prior to January 1, 1945, notwithstanding the date of participation of the contracting public agency in the public employees' retirement system or any other limitation or provision of the public employees' retirement act.

Board has management and control of system.

"(i) The management and control of the retirement system shall be vested in the board of administration, and it shall exercise the following powers and perform the following duties:

Records, data, computations, investigations, by board.

"(j) The board of administration shall keep in convenient form such data as shall be necessary for the actuarial valuation of the retirement fund created by this act. On July 1, 1946, and at the end of every two year period thereafter, it shall cause to be made an actuarial investigation into the mortality, service and compensation experience of the members and beneficiaries under the provision of this act, and shall further cause to be made an actuarial valuation of the assets and liabilities of the public employees' retirement fund herein created, and from time to time shall determine the rate of interest being earned on the said retirement fund. Upon the basis of any or all of such investigation, valuation, and determination, said board shall adopt such mortality, service and other tables and such interest rate, in lieu of the interest rate specified herein, or any of such items as it shall deem necessary, and shall make such revision in rates of contributions of members as it may deem necessary to comply with the provisions of section 68-701. No adjustment shall be included in the new rates for time prior to the effective date of such revision.

Interest on contributions of members of beneficiaries.

"(k) The board shall credit contributions of members of beneficiaries, of the state and of contracting cities with interest at the rate being used under the system on the effective date hereof, compounded each June 30th, subject to the foregoing subdivision (j) of section 68-501. At the

end of each fiscal year, beginning with the second fiscal year of the operation of the retirement system, it may credit to all contributions held in the retirement fund at June 30th of the then current fiscal year, such interest in excess of said rate provided herein as it may deem proper in the light of the earnings of the retirement fund during such fiscal year, but such additional interest credited during any fiscal year shall not be greater than the excess of said earnings over the interest otherwise credited to contributions during that year. Interest at said rate, compounded annually, subject to said foregoing subdivision (j) hereof, shall be used in the calculation of benefits under any mortality table adopted by the board, regardless of any additional interest allowed on contribution under this paragraph.

“In addition to other records and accounts, it shall keep such records and accounts as may be necessary to show at any time:

Records and
accounts
to be kept.

The total accumulated contributions of members.

The total accumulated contributions of retired members less the annuity payments made to such members.

“The accumulated contributions of the state and of contracting cities held for the benefit of members on account of service rendered as members of the retirement system.

“All other accumulated contributions of the state and of contracting cities which shall include the amounts available to meet the obligation of the state and of the contracting cities, respectively on account of benefits that have been granted to retired employees and on account of prior service of members.

“(1) In addition to rendering the annual report to the governor required by subsection (c) of this section, it shall cause to be published annually a financial statement showing an actuarial valuation of the assets and liabilities of the retirement system created by this act and a statement as to the accumulated cash and securities in the retirement fund as certified by the state auditor, but until all prior service is verified, the board of administration may omit from the financial statement published annually, assets

Financial
statement to
be published
annually.

and liabilities resulting from such prior service, and may include assets and liabilities on account of service rendered as members in amounts equal only to accumulated contributions held on account of such service."

Amending
clause.

Section 2. That Section 68-1101 of the Revised Codes of Montana, 1947, as amended by chapter 186 of the laws of Montana, 1951, be, and the same is hereby amended to read as follows:

Death benefit.

"68-1101. **Death Benefit.** Upon the death before retirement of a member while in the state service, or within four (4) months after the discontinuance of state service, or while physically or mentally incapacitated for the performance of his duty, if such incapacity has been continuous from the discontinuance of state service, the retirement system shall be liable for a death benefit, which if there is a surviving wife or surviving children under eighteen (18) years of age, shall be paid in monthly installments and to the surviving wife and children as presented therein; otherwise such death benefit shall be paid to his estate, or to such person having an insurable interest in his life as he has nominated by written designation duly executed and filed with the retirement board; provided, however, that death benefits shall not be payable to the beneficiary of a member who (a) has elected a lesser optional retirement allowance as provided in Section 68-1005, as amended, Revised Codes of Montana, 1947, or (b) who has received a disability retirement allowance as provided for in paragraphs (i) through (l) of Section 68-901, Revised Codes of Montana, 1947, as amended, for a period of four (4) months immediately preceding death. Such death benefit shall consist of:

Proviso.

Death benefit
consists of
accumulated
contribution,
an amount
based on serv-
ice and annual
compensation.

"(a) His accumulated contributions, and in addition thereto,

"(b) An amount, provided from contributions by the state, or by a contracting city, which shall be equal to one-twelfth (1/12th) of the annual compensation earnable by the deceased during the twelve (12) months immediately preceding his death, multiplied by the number of completed years of service under the system, but not to exceed fifty (50) per centum of such compensation.

Election by
member or
beneficiary
after death.

"(c) A member, or a beneficiary after death of a member, may elect, by written designation, duly executed and

filed with the board of administration to have the death benefit provided in clauses (a) and (b) paid in monthly installments, fixed in number or amount, all subject to such rules and regulations as the board may adopt. Regular interest shall be credited on the unpaid balance of such benefit, at rates then in use under the system as adopted by the board from time to time.

“(d) If compensation is awarded by the industrial accident board of the State of Montana by reason of a finding that the member’s death resulted from injury or disease arising out of or in the course of employment, the death benefit payable hereunder shall be limited to refund of the member’s accumulated contributions. In any case where the industrial accident board makes a determination that death of a state employee resulted from injury or disease arising out of and in the course of employment and pays compensation therefor, the industrial accident board shall certify its findings and determination to the board of administration of the public employees’ retirement system.”

If industrial accident compensation awarded — premiums only returned.

(e) Survivorship provision. In lieu of the benefits provided in (a) and (b) above, if the deceased member is qualified by reason of service for a retirement benefit, the beneficiary nominated by the deceased member may elect to receive a monthly life annuity. Said monthly life annuity is to be based on the beneficiary’s attained age at the time of the deceased member’s death and to be calculated from an amount equal to the required reserve for the deceased member’s creditable service, together with the deceased member’s accumulated contributions; and provided that this provision be retroactive for all members who had an option for a lesser retirement allowance filed in the retirement system office at the time of their death.

Survivorship provision — election by beneficiary.

Made retroactive.

(f) The beneficiary named in (e) above shall have the right within ninety (90) days of the member’s death to elect to receive a death benefit instead of the benefit designated in (e) above.

Beneficiary election — time limit.

Approved March 5, 1953.

CHAPTER 226

An Act to Amend Section 75-201 of the Revised Codes of Montana, 1947, as Amended by Section 1 of Chapter 168 of the Session Laws of the State of Montana of 1951; Section 75-202 of the Revised Codes of Montana, 1947; Section 75-203 of the Revised Codes of Montana, 1947, as Amended by Section 2 of Chapter 168 of the Session Laws of the State of Montana, 1951; Section 75-204 of the Revised Codes of Montana, 1947, as Amended by Section 3 of Chapter 168 of the Session Laws of the State of Montana, 1951; Section 75-205 of the Revised Codes of Montana, 1947, as Amended by Section 4 of Chapter 168 of the Session Laws of the State of Montana, 1951; and Section 75-206 of the Revised Codes of Montana, 1947, as Amended by Section 5 of Chapter 168 of the Session Laws of the State of Montana, 1951, All Relative to the Erection of Residence Halls and Other Facilities at Institutions Controlled by the State Board of Education; the Title to Real Estate Acquired Under This Act; Provisions for Carrying Out the Powers Provided for in This Act; Providing That the State Shall Not Become Obligated for the Payment of Obligations Created Under This Act; Providing for Use of Rents and Incomes From Facilities Erected Under the Provisions of This Act; Exempting From the Operation of This Act Any State Funds; and Relative to the Acquisition and Enlargement of Educational, Customary, and Related Facilities; and Providing That State Funds Appropriated by the Legislative Assembly for Specific Purposes Other Than Those Authorized by This Act Shall Not be Obligated for the Purposes Authorized in This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Board of
education
authorized to
erect, acquire,
enlarge, equip
and manage
self-financing
facilities at
institutions.

Section 1. That Section 75-201 of the Revised Codes of Montana, 1947, as amended by section 1 of chapter 168 of the session laws of the State of Montana, 1951, be, and the same is hereby amended to read as follows:

“75-201. Erection of Self-financing Facilities at Institutions Controlled by the State Board of Education.
At state institutions of higher education under its control

the state board of education, for the good of the institution concerned from time to time, is authorized to:

“(a) *Acquire, erect, equip, enlarge and improve residence halls and other educational, customary, related, or incidental facilities such as, but not limited to, dormitories, dining rooms or halls, refectories, commons, health service buildings, armories, gymnasiums, auditoriums or theaters, field houses, student unions, game and entertainment properties, classroom or laboratory buildings, libraries, shops, and storage buildings.*

“(b) *Rent the rooms in such residence halls and provide board and other services to the students, officers, guests and employees of said institutions at such rates as will insure a reasonable excess of income over operating expenses as well as provide for debt service and reserves; and provide for the collection of charges, admissions, or fees for the use of other facilities by students and other persons;*

“(c) *Hold the funds derived from the operation of such residence halls and other facilities and devote the same to repairs, replacements, betterments, debt service, and reserves or, so far as the same may not be obligated, to the acquisition, erection, equipping, enlarging, or improvement of additional residence halls and other facilities; and*

“(d) *Exercise full control and complete management of such residence halls and other facilities.*”

Section 2. That Section 75-202 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending
clause.

“75-202. **Title to Be in Name of State.** The title to all real estate and improvements acquired and erected under the provisions of this act shall be taken and held in the name of the State of Montana, *except that title to fixtures and equipment purchased on a time or installment basis may remain in the vendor until the latter has been paid.*”

Title to be
in name of
state, except
conditional
sale vendor
retains.

Section 3. That Section 75-203 of the Revised Codes of Montana, 1947, as amended by section 2 of chapter 168 of the session laws of the State of Montana, 1951, be, and the same is hereby amended to read as follows:

Amending
clause.

What board
may do in
carrying out
powers.

“75-203. **Provisions for Carrying Out Powers.** In carrying out the above powers, said board may:

(a) Borrow money or make purchases on a time or installment basis;

(b) Pledge, issue negotiable bonds secured by, otherwise obligate, or make purchases with the use of (1) the net income received from rents, board, or both in the residence halls and from other facilities, (2) receipts from student building, activity, union, and other special fees prescribed by the board, and (3) other income in the form of gifts, bequests, contributions, federal grants of funds including the proceeds or income from grants of lands or other real or personal property, receipts from athletic contests, and collections of admissions and other charges for the use of facilities.”

(c) Make payments on loans or purchases from any other available income not obligated for such purposes including receipts from sales of materials, equipment, and fixtures, of such facilities or of sales of the facilities themselves other than land.

Amending
clause.

Section 4. That Section 75-204 of the Revised Codes of Montana, 1947, as amended by section 3 of chapter 168 of the session laws of the State of Montana, 1951, be, and the same is hereby amended to read as follows:

State not to
become
obligated
by this act.

“75-204. **State Not to Become Obligated for Payments.** No obligation created hereunder shall ever be or become a charge against the State of Montana, but all such obligations, including principal and interest, shall be payable solely from the sources herein stated and authorized.”

Amending
clause.

Section 5. That Section 75-205 of the Revised Codes of Montana, 1947, as amended by section 4 of chapter 168 of the session laws of the State of Montana, 1951, be, and the same is hereby amended to read as follows:

Obligations,
rents, income
separate for
each institu-
tion, not to be
used at any
other.

“75-205. **Use of Rents and Income Relating to Institution — Where Derived.** In creating or discharging obligations under the preceding sections, the residence and dining halls and related facilities at each institution shall be treated separately from other facilities at such institution; and income available for residence hall purposes and other facilities at one institution shall not be used to dis-

charge obligations created for residence halls or other facilities at another institution.”

Section 6. That Section 75-206 of the Revised Codes of Montana, 1947, as amended by section 5 of chapter 168 of the session laws of the State of Montana, 1951, be, and the same is hereby amended to read as follows:

Amending
clause.

“75-206. **State Funds Not to Be Used.** *For the purposes authorized in the preceding sections no state funds appropriated by the legislative assembly for specific purposes other than those authorized in this chapter shall be used or obligated. This shall not apply however to funds derived from the sources specified in subsection (b) of section 203. The net rents and income of residence halls shall not be used to discharge loans or obligations of any field house.*”

State funds
not to be used
where appro-
priated for
other specific
purposes.

Exception.

Section 7. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing
clause.

Section 8. This act shall be in full force and effect from and after its passage and approval.

Effective
immediately.

Approved March 5, 1953.

CHAPTER 227

An Act Consenting to the Acquisition by the United States of Land, Water, or Land and Water, Within Teton, Chouteau and Cascade Counties, Montana, for a Pumping Station and Related Works and a Canal Right-of-Way for the Transportation of a Supplemental Water Supply for the Benton Lake National Wildlife Refuge, Cascade County, Established by Executive Order No. 5228, November 21, 1929, as Amended, and as Authorized by Act of Congress of February 18, 1929.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Consent of the State of Montana is given to the acquisition by the United States by purchase, gift, devise or lease of a canal right-of-way approximately sixty-six (66) feet in width, together with an area not to exceed ten acres as a site for a pumping station works; or of land and water within township twenty-two north (22N), range

Consent to
acquisition
by U. S. of
certain lands
in Teton,
Chouteau
and Cascade
counties.

one west (1W); township twenty-three north (23N), range two west (2W); township twenty-three north (23N), range one west (1W); township twenty-three north (23N), range one east (1E); township twenty-three north (23N), range two east (2E), Teton county; township twenty-two north (22N), range one east (1E), Cascade county; and township twenty-three north (23N), range three east (3E), Choteau county, for the transportation of a supplemental water supply for the Benton lake national wildlife refuge, Cascade county, established by executive order No. 5228, November 21, 1929, and as amended by executive order No. 2416, July 25, 1940, in accordance with the act of congress approved February 18, 1929, entitled: "An act to more effectively meet the obligations of the United States under the migratory bird treaty with Great Britain, by lessening the dangers threatening migratory game birds from drainage and other causes by the acquisition of areas of land and of water to furnish in perpetuity reservations for the adequate protection of such birds; and authorizing appropriations for the establishment of such areas, their maintenance and improvement and for other purposes," reserving, however, to the State of Montana full and complete jurisdiction and authority over all such areas not incompatible with the administration, maintenance, protection and control thereof by the United States under the terms of said act of congress.

Reserving
compatible
jurisdiction.

Repealing
clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 5, 1953.

CHAPTER 228

An Act to Provide for Agreements by Applicants for and Recipients of Public Assistance Other Than Aid to Dependent Children and General Relief Acknowledging the Amount of All Assistance as an Obligation to be Secured by a Lien Upon Real Property of Such Applicants and Recipients; Prohibiting Public Assistance to Applicants and Recipients Who Have Deprived Themselves of Property, or Who Have Within Five (5) Years of Application for Public Assistance Transferred Real Property or Interests Therein Without Adequate Consideration, for

the Purpose of Qualifying for Assistance; Providing for the Filing and Satisfaction of Such Liens, the Effect of Filing as Constructive Notice, and the Priority of Such Liens; Providing for the Foreclosure of Such Liens and Limiting the Right of Foreclosure Under Certain Conditions; Providing for the Date of Attachment of Said Lien and Directing the Securing of Said Agreements From Present Recipients of Public Welfare by County Departments and the Suspension of Assistance Payments to Recipient Failing to Execute and Return Said Agreements Prior to July 1, 1953; Providing for Recovery From the Estates of Deceased Recipients and Limiting Said Recovery Under Certain Conditions; Specifying the Effect of Such Lien Upon Property Held in Joint Tenancy; Providing for Safeguarding the Interests of Recipients of Public Assistance; Providing For Distribution of Amounts Recovered; All Acts and Parts of Acts in Conflict Herewith Hereby Are Repealed; Provided That Nothing in This Act Contained Shall be Construed to Repeal All or Any Part of Section 71-412, Revised Codes of Montana, 1947, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. No application for a public assistance grant except applications made pursuant to chapter 5, title 71, Revised Codes of Montana, 1947, (aid to dependent children) and chapter 3, title 71, Revised Codes of Montana, 1947, (general relief) shall be approved unless the applicant shall execute and deliver with such application an agreement, in such form as the state board of public welfare shall prescribe, acknowledging and agreeing that the amount of all assistance thereafter paid to the applicant, from whatever source such assistance may be derived, shall constitute an obligation and indebtedness of the applicant to the state and county which shall be secured by a lien upon all real property of the applicant then owned or acquired while a recipient of such assistance.

Agreement of debt required prior to approval of certain assistance grants.

Section 2. **Award of Public Assistance. Ineligibility Upon Transfer of Property.** Upon completion of the investigation, the county board shall determine whether the applicant is eligible for public assistance under the provisions of this act, the type and amount of public assistance

Award of public assistance—ineligibility upon transfer of property, without adequate consideration

he shall receive, and the date upon which such public assistance shall begin. Public assistance shall not be granted under the Montana state welfare act to any person who has deprived himself directly or indirectly of any property for the purpose of qualifying for assistance under this act. Any person who shall have transferred or shall transfer real property or interests in real property within five (5) years of the date of application for public assistance without receiving adequate consideration therefore in money or money's worth shall be presumed to have made such transfer for the purpose of qualifying for assistance under this act.

Names of recipients filed with clerk and recorder amount of grant — a lien.

Section 3. Immediately after the making of any award of public assistance the county department of public welfare shall cause to be filed in the office of the county clerk and recorder of the county wherein the recipient of such award is residing, and in the office of the county clerk and recorder of any other county wherein real property owned by the recipient is situated, a certificate, in such form shall be prescribed by the state board, including a statement of the name and residence of the recipient, the amount of assistance, and the date on which the assistance shall begin. Said certificate shall be filed by the county clerk and recorder as a lien against the real property of the recipient therein named, and shall be indexed in the same manner as real estate mortgages, and from and after the filing of said certificate all grantees, encumbrances and attaching creditors of any real property owned by such recipient shall be deemed to have constructive notice thereof, and said certificate shall create a general lien upon all real property of the recipient to secure the repayment of the entire amount of all assistance thereafter paid to such recipient, which lien shall be prior and superior in right to all liens, encumbrances or conveyances affecting said real property which may be thereafter filed or recorded.

Time and manner of foreclosure.

Section 4. No foreclosure of any such lien affecting property occupied as a home by the recipient or his or her spouse, or his or her dependent, shall be instituted during the lifetime of the recipient except upon a finding and determination by the county department of public welfare, subject to review by the state board, that the assistance awarded to such recipient was obtained by fraud,

or except upon a conveyance of such property by the recipient.

Said lien may be foreclosed in the manner provided by law for the enforcement of mechanic's liens upon real property in the district court of the county wherein the certificate hereinbefore provided for has been filed, and the decree for the enforcement thereof shall provide for the sale of the real property of the recipient, or so much thereof as may be necessary to satisfy said lien, and said sale shall be conducted by the sheriff in the manner provided by law for the sale of real property under execution. Suits for the foreclosure of such lien shall be brought in the name of the county for the benefit of itself and the state board of public welfare.

Section 5. Whenever the obligation secured by said lien shall have been paid, or shall have been discharged by settlement, the state board of public welfare shall not later than 30 days after receipt of payment cause a release and satisfaction thereof to be entered in the office of the county clerk and recorder of the county wherein such lien is filed. The state board is further empowered to cause a partial release of such lien to be entered with respect to any portion or portions of the real estate of the recipient.

Release and satisfaction upon settlement.

Partial release.

Section 6. The lien hereinbefore provided for shall attach to the real property of all persons who receive public assistance from and after the 1st day of July, 1953. Not less than sixty (60) days prior to said date each county department of public welfare in this state shall mail or deliver to all recipients of public assistance within said county a form of the agreement provided for in section 1, hereof, together with a summary of the provisions of this act and a notice that all recipients are required, as a condition precedent to the continuance of public assistance awards, to execute and return such agreement to said county department prior to July 1, 1953; and payments of assistance shall be suspended as to all recipients who fail or neglect to execute and return said agreements within said period, unless the state board of public welfare finds that circumstances make such return within the specified time impracticable.

Lien attaches after July 1, 1953.

Agreements to be signed by all recipients, when.

Section 7. Recovery From the Estate of a Decedent — Claim for Assistance Paid. Upon the death of any re-

Recovery from estate of decedent — claim for assistance paid.

recipient of public assistance other than aid to dependent children, or general relief, the state department of public welfare shall execute and present a claim against the estate of such person within the time specified in the published notice to creditors in the estate matter for the total amount of assistance paid under this act, separately stating therein the amount of all assistance paid from and after the 1st day of July, 1953, which is secured by the lien herein provided for. Said claim shall be a preferred claim having the preference specified by subdivision 4, Section 91-3601, Revised Codes of Montana, 1947.

No claim
enforced,
when.

No claim hereunder shall be enforced against any real estate of a recipient while it is occupied by the surviving spouse, or dependent, as a home, but the lien provided for by this act shall, until paid, continue in full force as against the real estate of such recipients notwithstanding postponement of enforcement thereof by reason of such occupancy of the surviving spouse or dependent.

The state board of public welfare shall not assert its lien or claim during the lifetime and continued occupancy of said real estate by the surviving spouse or dependent unless other claimants or persons shall have instituted proceedings for the probate of the estate of the deceased recipient, in which case the board shall file its claim hereunder.

Lien extends
only to interest
of recipient.

Section 8. The lien herein provided for shall not sever a joint tenancy or affect the right of survivorship except that said lien shall be enforceable to the extent that the recipient had an interest prior to decease.

State board
to protect
recipient from
exploitation.

Section 9. In the administration of this act, the state board shall safeguard the interests of recipients of public assistance, to the end that their property shall not be exploited nor pass from their possession without adequate consideration.

Distribution
of money
recovered.

Section 10. All sums recovered hereunder from any source shall be distributed to the county and to the general fund of the State of Montana as their interests may appear; and if the federal law so requires, the federal government shall be entitled to a share of any amounts collected hereunder in proportion to the amounts which it has contributed to the grants recovered, and the amount due the

United States shall be promptly paid by the state board to the United States government.

Section 11. All acts and parts of acts in conflict herewith hereby are repealed; provided that nothing in this act contained shall be construed to repeal all or any part of Section 71-412, Revised Codes of Montana, 1947.

Repealing
clause.

Section 12. This act shall be in full force and effect from and after the first (1st) day of April, 1953.

Effective
date.

Approved March 6, 1953.

CHAPTER 229

An Act to Amend Section 9482 of the Revised Codes of Montana of 1935 as Codified in Section 93-6206, Revised Codes of Montana, 1947, and as Amended by Chapter 66 of the Session Laws of 1949 Relating to the Service of Summons by Publication in Actions to Quiet Title to Real Property and Providing That Affidavits for Publication of Summons in Certain Cases Shall be Sufficient Evidence of the Diligence Used to Find Certain Defendants If the Affidavit Recite the Fact That Diligent Inquiry Was Made Without Therein Detailing the Facts Constituting the Inquiry, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 9482 of the Revised Codes of Montana, 1935, as codified in Section 93-6206, Revised Codes of Montana, 1947, and as amended by chapter 66 of the laws of 1949, be, and the same is hereby amended to read as follows:

Amending
clause.

“93-6206. (9482) **Service of Summons by Publication, When.** *Upon the return of summons showing the failure to find any defendant specifically named in the complaint, the plaintiff may obtain an order for the service of summons upon such defendant, to be made by publication, upon filing with the clerk of said court an affidavit stating that such defendant resides out of the state, or has departed from the state, or cannot, after due diligence, be found within the state, or conceals himself to avoid the*

Service of
summons by
publication,
when.

Affidavit.

service of summons, or that the defendant, if a foreign corporation, has no agent for the service of process, nor managing or business agent, cashier, secretary, or other officer within the state; or that the defendant, if a domestic corporation, has no officer or agent of such corporation, upon whom valid service of said corporation can be made and who can, after due diligence, be found within the state. Such affidavit shall be sufficient evidence of the diligence of any inquiry made by the affiant, if the affidavit recite the fact that diligent inquiry was made, and it need not detail the facts constituting such inquiry."

Repealing
clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective
immediately.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 6, 1953.

CHAPTER 230

An Act to Amend Section 75-3406 of the Revised Codes of Montana, 1947, as Amended by Chapter 189, Laws of 1951, Relating to Requirements as to Buses, Drivers and Operation of School Buses by Providing for Increases in the Amount of Personal Liability Insurance to be Carried.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 75-3406 of the Revised Codes of Montana, 1947, as amended by chapter 189, laws of 1951, be, and the same is hereby amended to read as follows:

Requirements
as to buses,
drivers and
operation of
school buses.

"75-3406. **Requirements as to Buses, Drivers and Operation of School Buses.** Any person or persons having a contract to transport school children, or any school district owning and operating its own school buses, shall comply in every respect with the regulations of the state board of education for the operation and safety of school buses; provided, that, the board of trustees may require added safeguards, by supplementing in the contract the regulations of the state board of education, with additional regulations relating to bus specifications, age of drivers, liabil-

ity insurance and operating speed; provided, that a district, owning and operating its own bus or buses, must carry *automobile bodily injury and liability insurance, with limits of liability in the amount of not less than \$7500.00 each person and \$50,000.00 each accident. Such limits must be carried on each bus operated, if there be more than one*; and further provided that every driver of a bus or other vehicle on an established and approved school bus route shall have completed a standard first-aid course and shall hold a valid standard first-aid certificate from an authorized instructor. Rules and regulations governing the issuance of this certificate shall be formulated by the state superintendent of public instruction, provided, however, that this requirement may be suspended pending reasonable opportunity for securing the first-aid course and certificate."

Liability
insurance
limits —
district buses.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing
clause.

Section 3. This act shall be in full force and effect from and after July 1, 1953.

Effective
date.

Approved March 6, 1953.

CHAPTER 231

An Act to Amend Section 84-1812, Revised Codes of Montana, 1947, Relating to Distribution of Proceeds of Tax — Funds, Providing for the Expenditure of Highway Funds for the Dissemination of Public Information and Limiting Said Expenditures for Dissemination of Public Information to Three and One-half Percent (3½%), Not to Exceed an Annual Expenditure of Sixty-five Thousand Dollars (\$65,000.00) of the Administrative Fund as Provided for in Section 84-1816, and Declaring Policy of the State of Montana in Reference to the Dissemination of Public Information; Providing for Date of Termination of Said Expenditures.

Be it enacted by the Legislative Assembly of the State of Montana:

"Declaration of Policy as to Dissemination of Public Information.

"It is hereby declared as a policy of the state that it is necessary and in the interests of the State of Montana that

Policy
declared.

a provision be made for the use of funds, as hereinafter provided, for the dissemination of public information of the highways of the State of Montana and incidental information concerning points of scenic and historic interest, as well as the resources and attractions of the State of Montana. That in enacting this legislation, it is not proposed that it should conflict with the acts of the United States congress relating to diversion of gasoline tax funds and the legislature declares as its policy that this act does not result in a diversion of funds in contravention of any congressional enactment. That this legislation is in the interests of the development of the highways of the State of Montana, the acquisition of increased gasoline taxes, through the use of the highways of the State of Montana by persons who would not otherwise utilize the highways of the State of Montana, unless through the dissemination of public information as provided by this act they were informed as to the highways system of the State of Montana, and possessed of incidental information hereinabove set forth.

“The provisions of this act are enacted by the legislature in the interests of the welfare of the people of this state, and to obtain additional revenue for the development of the highway program of the State of Montana.”

Section 1. That Section 84-1812, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Distribution
of proceeds
of tax funds.

“84-1812. (2381.22) **Distribution of Proceeds of Tax — Funds.** All money received by the state treasurer in payment of license taxes under the provisions of this act shall be deposited and credited (a) seventy-five per centum (75%) to the state highway fund, and (b) twenty-five per centum (25%) to a special fund designated as ‘gasoline license drawback fund’.

“All money so collected and deposited in the gasoline license tax drawback fund shall be used for the purpose of making such refunds and paying such drawbacks as are authorized by law to be made or paid to purchasers of gasoline used in this state for other purposes than the propulsion of motor vehicles over the public highways and streets of this state, provided, however, that at the close

of each fiscal year, the state treasurer shall transfer all money remaining unexpended in said gasoline license tax drawback fund to the state highway fund; provided, further, that if at any time the money in said gasoline license tax drawback fund is insufficient in amount to pay duly authorized and approved refunds or drawbacks, the state treasurer shall transfer from the state highway fund a sum or sums sufficient in amount to meet and pay all such outstanding authorized and duly approved refunds or drawbacks.

“All money so collected and deposited or transferred to said state highway fund shall be used and expended by the state highway commission in the construction, reconstruction, betterment, maintenance, administration, *dissemination of public information, hereby determined to be a proper administrative expense*, and engineering on the federal highway system of highways in this state selected and designated under the provisions of the federal aid act, approved July 11, 1916, and the federal highway act, approved November 9, 1921, and all amendments thereto, and for the purpose of construction, reconstruction, betterment, maintenance, administration, *dissemination of public information, hereby determined to be a proper administrative expense*, and engineering of highways leading from each county seat in the state to said federal highway system of federal aid roads where such county seat is not on said system, and for the purpose of construction, reconstruction, betterment, maintenance, administration, *dissemination of public information, hereby determined to be a proper administrative expense*, and engineering of such other roads as have been or may be authorized by the laws of Montana, for the collection and enforcement of this act; provided, that the total cost to the state of administration, *dissemination of public information, hereby determined to be a proper administrative expense*, and engineering on the federal aid work contemplated by this act shall not exceed for any fiscal year eight per centum (8%) of the total of state, federal aid and other available funds expended under the supervision of the state highway commission, and said eight per centum (8%) shall be known as the administrative fund. *Provided further that the expenditure for dissemination of public information shall not exceed three and one-half*

Adding dissemination of public information to uses of fund.

Limitation on expenditure for administration and public information.

percent (3½ %) not to exceed an annual expenditure of sixty-five thousand dollars (\$65,000.00) of the above mentioned administrative fund; provided, however, that said expenditures for the dissemination of public information shall terminate June 30, 1955."

Repealing
clause.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Effective
immediately.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 6, 1953.

CHAPTER 232

An Act Relating to the Sale of Personal Property or Services Under Prearranged Funeral Plans; Requiring the Proceeds Thereof to be Held in Trust for the Purposes Intended; Providing Penalties for Violations, and Fixing the Effective Date of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Prearranged
funeral plans
— money paid
to be held
in trust.

Section 1. In all cases when, prior to his death, a person, or someone in his behalf, makes a contract for the final disposition of his body, under which contract, pursuant to a prearranged funeral plan, personal property will be delivered upon his death or the professional services of a funeral director or embalmer will then be furnished, all money paid under such contract shall be held in trust for the purpose for which it was paid until the obligation is fulfilled according to its terms or, by mutual consent of both parties to the contract, said money is refunded to the proper party. Accruals of interest upon this money are subject to this same trust.

Deposit or
investment
of money
received by
contracting
party.

Section 2. Within thirty (30) days after receipt the party to the contract holding said money in trust, according to section 1, shall deposit said money in a banking institution, or invest said money in the stock of a savings or building and loan association, organized under the laws of the State of Montana or of the United States of America and having its principal place of business in the State of Montana, the deposits of which banking institution or the stock liability of which savings or building and loan as-

sociation are insured by an instrumentality of the federal government. Said deposits or investments shall be and constitute a trust fund for the benefit of the person who has contracted for such property and services upon his death. Such money shall be deposited in a separate account in the name of the depositor as trustee for the person who has contracted for such property and services upon his death.

Investments
as trust fund.

Section 3. Any banking institution, or savings or building and loan association, receiving money in trust under the provisions of section 2 of this act, shall report to the superintendent of banks of the State of Montana, on or before the first day of February of each year, all amounts received and held in trust. This report shall show the name and address of each trustee and cestui que trust, the principal amount remaining and the interest or dividends paid on each such account.

Trustees to
report to
supt. of banks.

Section 4. Any person wilfully violating the provisions of section 2 of this act shall be guilty of a misdemeanor and upon conviction therefor shall be punished as provided in Section 94-116, Revised Codes of Montana, 1947.

Penalty.

Section 5. This act shall be in full force and effect from and after its passage and approval.

Effective
immediately.

Approved March 6, 1953.

CHAPTER 233

An Act to Amend Section 75-1632, Revised Codes of Montana, 1947, as Amended in Chapter 207 Subsection 2, Session Laws of 1951, Relating to Duties of Trustees to Provide for a System of Bookkeeping and Auditing of Extra Curricular Funds; Providing That Such System be Recommended by the State Bank Examiner and Providing Such Audit be Made by a Qualified Accountant or by the State Bank Examiner; Providing for Filing of Such Audit With the County Superintendent of Schools; and Providing for the Publication of Said Audit and Payment for Publication From Such Funds.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 75-1632, of the Revised Codes of Montana, 1947, as amended in chapter 207 subsection 2,

Amending
clause.

session laws of 1951, be, and the same is hereby amended to read as follows:

Duties of trustees.

“Section 75-1632. **Duties of Trustees.** Every school board unless otherwise specially provided by law shall have power and it shall be its duty:

Prescribe rules.

“1. To prescribe and enforce rules not inconsistent with law, or those prescribed by the superintendent of public instruction for their own government of schools under their supervision.

Employ and discharge teachers.

“2. To employ or discharge teachers, mechanics or laborers, and to fix and order paid their wages; provided, that no teacher shall be employed except under resolution agreed to by a majority of the board of trustees at a special or regular meeting; nor unless such teacher be the holder of a legal teacher's certificate in full force and effect. All contracts of employment of teachers, authorized by proper resolution of a board of trustees, shall be in writing and executed in duplicate by the chairman and clerk of the board, for the district and by the teacher.

Rate of tuition.

“3. To determine the rate of tuition of non-resident pupils.

“4. To fix the compensation of the clerk.

“5. To enforce the rules and regulations of the superintendent of public instruction for the government of schools, pupils, and teachers and to enforce the course of study.

“6. To provide for school furniture and for everything needed in the schoolhouse or for the use of the school board.

Repair, rent, insure buildings.

“7. To repair and insure schoolhouses and to rent, lease and let to such persons or entities as the board may deem proper, the grade school halls, gymnasium and buildings and part thereof for such time and rental as the board may designate. All rentals shall be paid to the county treasurer for the credit of the school district.

Acquire and dispose of lands.

“8. To purchase, acquire, sell and dispose of plots or parcels of land to be used as sites for schoolhouses, school dormitories and other school buildings, and for other purposes in connection with the schools in the district; to

build, purchase or otherwise acquire schoolhouses, school dormitories and other buildings necessary in the operation of schools of the district, and to sell and dispose of the same; provided, that they shall not build or remove schoolhouses or dormitories, nor purchase, sell or locate school sites unless directed so to do by a majority of the electors of the district voting at an election held in the district for that purpose, and such election shall be conducted and votes canvassed in the same manner as at the annual election of school officers, and notice thereof shall be given by the clerk by posting three (3) notices in three (3) public places in the district at least ten (10) days prior to such election, which notices shall specify the time, place, and purpose of such election. Provided, further, that this subdivision shall not be so construed as to prevent the board of trustees from purchasing one (1) or more options for a school site.

Necessity
for election.

“9. To hold in trust for their district all real or personal property for the benefit of the school thereof.

“10. To suspend or expel pupils from school who refuse to obey the rules thereof, and to exclude from school, children under six (6) years of age where the interest of the school requires such exclusion.

“11. To provide clothing and medical aid for indigent children when it shall be made to appear that such aid is needed; and when deemed advisable to employ a physician or registered nurse to make inspection into the sanitary conditions of the school and the general health conditions of each pupil, and to make a full, detailed report to the board of trustees. The clerk of the district shall furnish immediately to each parent or guardian a copy of such portion of the above mentioned report as pertains to his child or ward.

Clothing,
medical aid,
indigent
children.

“12. To require pupils to be furnished with suitable books as a condition of membership in school.

“13. To exclude from school and school libraries all books, tracts, papers and other publications of immoral and pernicious nature.

“14. To require teachers to conform to the law.

“15. To make an annual report, as required by law, to the county superintendent on or before the first day

of August in each year, in the manner and form and on the blanks prescribed and furnished by the superintendent of public instruction.

“16. To make a report directly to the superintendent of public instruction whenever instructed by him to do so.

Curriculum.

“17. To determine what branches, if any, in addition to those required by law, shall be taught in any school in the district, subject to the approval of the county superintendent in districts of the third class.

“18. To visit every school in their district at least once in each term, and to examine carefully into its management, conditions, and needs. This clause applies to each of the trustees.

Provide
outhouse.

“19. To provide separate privies or outhouses for the use of the sexes at all schoolhouses, where the same do not exist, and to see that the same are kept in good repair, and in a clean condition. Such privies or outhouses must be located and built in such manner as to secure privacy. In all cases where there is no fence dividing the play yards of the sexes, the privies or outhouses herein named shall be separate and distinct buildings, and situated at least twenty (20) feet apart, and to require that all teachers and janitors use due care in keeping all toilets in good repair and in clean condition and free from obscenity; provided, that any trustee or trustees, teacher, janitor, or janitors, failing to comply with the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding one hundred dollars (\$100.00), or imprisoned in the county jail not exceeding ninety (90) days, or both such fine and imprisonment in the discretion of the court.

Penalty.

“20. To allow pupils residing in other districts to attend school in the district of which they have charge, if in their judgment there is sufficient room.

Display
of flag.

“21. To procure, by purchase or donation, and to cause to be displayed daily in suitable weather, an American flag, with accompanying necessary fixtures, for each and every schoolhouse in their respective districts. Said flags shall be of dimensions not less than four (4) by six (6) feet, and shall be made from durable material. The school trustees are hereby authorized and empowered to use

such portion of the school funds as remain in their hands, and which is not otherwise appropriated, for the purchase and erection of fixtures.

"22. To close school at their discretion during the annual session of the state teachers' association, and to allow teachers to attend the same without loss of salary.

"23. To provide foods, cooks, janitor services and equipment for school lunches when deemed advisable by the board. Governed by its own judgment, the board may impose a money charge, produce or services from the pupils desiring to and participating in the program of school lunches.

School lunches.

"24. *To provide for a system of bookkeeping and annual auditing of extra curricular funds; such bookkeeping system to be recommended by the state bank examiner and such audit to be made by a qualified accountant or by the state bank examiner if so requested. If the audit is made by the state bank examiner, then, there shall upon completion of the audit, be paid from the extra curricular funds a fee of thirty dollars (\$30.00) per day per man, together with actual transportation expenses, into the state treasury, and the state treasurer shall accredit such payment to the special examiner's fund. A certified copy of such audit shall be filed with the county superintendent of schools, and shall be published by said superintendent in the next publication of a newspaper published within the district, or, in case there be no paper published within the district, in a newspaper published within the county, if any, and if none within the county then in the nearest newspaper published in an adjoining county and payment of such publication shall be made from the extra curricular funds.*"

Provide accounting of extra-curricular funds.

Audit

Fee and expenses.

Publication.

Section 2. *On or before the first day of January, 1954, and annually thereafter, the board of trustees of each school district coming under the provisions of this act, shall decide whether the aforesaid audit shall be made by the state examiner or by a certified public accountant to be employed by the district, and shall cause notice of its decision to be given to the state examiner.*

State examiner or C.P.A. to audit annually.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Effective
date.

Section 4. This act shall be in full force and effect on and after July 1, 1953.

Approved March 6, 1953.

CHAPTER 234

An Act to Amend Section 71-412, Revised Codes of Montana, 1947, providing for Recovery From Estates of Decedents Having Received Old Age Assistance Creating Disputable Presumption That All Transfers of Property by Recipients of Old Age Assistance Are Made to Defeat Purposes of This Section, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 71-412, Revised Codes of Montana, 1947, be amended to read as follows:

State board
recovery from
estate of
decedent for
assistance
paid.

“71-412. **Recovery From the Estate of a Decedent — Claim for Assistance Paid.** Upon the death of any recipient of old age assistance, the state *board* of public welfare shall execute and present a claim against the estate of such person within the time specified in the published notice to creditors in the estate matter for the total amount of assistance paid under this act. No claim shall be enforced against any real estate of a recipient while it is occupied by the surviving spouse, or dependent, as a home.

Disputable
presumption
of improper
intent in every
transfer, after
receipt of
assistance.

Every transfer of property made by deed, grant, bargain, sale, or gift by any recipient of old age assistance and recorded subsequent to his having received such assistance shall be presumed to have been made without fair consideration as the term “fair consideration” is defined by Section 29-103, Revised Codes of Montana, 1947, and with the intent to defeat the purposes of this section. These presumptions are disputable and may be controverted by competent evidence.

Sharing with
federal
government.

“If the federal law so requires, the federal government shall be entitled to a share of any amounts collected from recipients or their estates in proportion to the amount which it has contributed to the grants recovered, and the amount due the United States shall be promptly paid by

the state to the United States government. The remaining portion of the amount collected shall be distributed to the state and county in proportion to the total amount paid by each."

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing
clause.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Effective
immediately.

Approved March 6, 1953.

CHAPTER 235

An Act to Amend Section 80-809 of the Revised Codes of Montana, 1947, Relating to the Duties of the President of Montana State Industrial School.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 80-809, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending
clause.

"80-809 (12496) The president shall have entire supervision of the school, subject, however, to the control of the state board of education, and shall hold his office during the pleasure of said state board of education.

Board of
education
supervision of
president of
industrial
school.

Approved March 6, 1953.

CHAPTER 236

An Act to Amend Section 75-106 and 75-107 of the Revised Codes of Montana, 1947, as Amended in Chapter 92, Session Laws of 1951, to Abolish the Office of Executive Head of the University of Montana; to Provide for an Executive Secretary of the University of Montana to be Appointed by the Board of Education; Empowering the Board of Education to Fix His Term of Office, and Salary and Prescribe His Duties; Providing for His Expenses; Empowering the Board of Education to Appoint Biennially a Budget Committee to Review Budget Requests of the Institutions Com-

posing the University of Montana and to Transmit a Report of Such Requests Together with Its Recommendations to the Board of Education.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 75-106 Revised Codes of Montana 1947, be, and the same is hereby amended to read as follows:

Meetings, per
diem and
expenses.

“75-106. (835) **Meetings, Per Diem and Expenses.** The board shall hold quarterly meetings at the state capitol or at any other town or city in the State of Montana in or near which may be located any institutions under its jurisdiction on the second Monday in April, July, September and December in each year, and may hold special meetings at any time and place it may direct. The president and secretary of the board may also call special meetings of said board at any time and place, if in their judgment necessity requires it. The secretary of the board shall notify the members of all regular and special meetings. The members of the board, other than ex-officio members shall receive *fifteen (\$15.00)* dollars per day each for each day in attendance on meetings of said board or in the performance of any duty or services as members of such board and necessary and actual expenses incurred, provided, however, that no one of such members shall receive more than five hundred (\$500.00) dollars per diem in any one (1) fiscal year. All expenses of the state board of education, including per diem and expenses of members and the salary and expenses of the executive secretary of the university of Montana incurred while transacting university business, shall be paid out of the appropriations made by the legislative assembly for said university.

Limitation.

Amending
clause.

Section 2. That Section 75-107 of the Revised Codes of Montana, 1947, *as amended in chapter 92, session laws of 1951*, be, and the same is hereby amended to read as follows:

“75-107. (836) **Powers and Duties.** The state board of education shall have power and it shall be its duty:

Powers and
duties of
board of
education
enumerated.

“1. To have general control and supervision of the Montana state university, Montana state college, Montana school of mines, Montana state normal college, eastern

Montana state normal school, and northern Montana college, all being units of the university of Montana. It is the purpose of this act that the said six (6) units of our university system shall be considered for all purposes one university.

“2. To adopt rules and regulations, not inconsistent with the constitution and the laws of this state, for its own government, and proper and necessary for the execution of the powers and duties conferred upon it by law.

“3. To provide, subject to the laws of the state, rules and regulations for the government of the affairs of the state educational institutions named in this section.

“4. To prescribe standards of promotion to the high school department of all public schools of the state, and to accredit such high schools as maintain the standards of work prescribed by the board on all such matters of promotion and accrediting. The board shall act upon recommendation given to it by the state superintendent of public instruction.

“5. To grant diplomas to the graduates of all state educational institutions, where diplomas are authorized or now granted, upon the recommendation of the faculties thereof, and may confer honorary degrees upon persons, other than graduates, upon the recommendation of the faculty of such institutions.

“6. To adopt and use, in the authentication of its acts, an official seal.

“7. To keep a record of its proceedings.

“8. To make an annual report on or before the first day of January in each year, which may be printed under the direction of the state board of examiners.

“9. To appoint and commission experienced teachers as instructors in county institutes.

“10. To have, when not otherwise provided by law, control of all books, records, buildings, grounds, and other property of the institutions and colleges named in this section.

“11. To receive from the state board of land commissioners, or other boards, or persons, or from the gov-

ernment of the United States, any and all funds, incomes, and other property to which any of said institutions may be entitled, and to use and appropriate the same for the specific purpose of the grant or donation, and none other; and to have general control of all receipts and disbursements of any of said institutions.

Appoint
president and
faculty —
executive
secretary of
U. of Mont.

“12. To choose and appoint a president and faculty for each of the various state institutions named herein, and to fix their compensation. The board must appoint an executive *secretary* of the university of Montana and fix his term of office and salary and prescribe generally his duties. *Said executive secretary shall not* be a member of the board.

Appoint bien-
nial budget
committee
to review
budget
requests.

“13. *To appoint each two (2) years a budget committee composed of four (4) members selected from the appointive members of the board, whose duties shall be to review the budget requests presented by the institutions composing the university of Montana and to transmit such requests to the board together with recommendations thereon.*

“14. To confer upon the executive board of each of said institutions such authority relative to the immediate control and management, other than financial, and the selection of the faculty, teachers, and employees, as may be deemed expedient, and may confer upon the president and faculty such authority relative to the immediate control, and management, other than financial, and the selection of teachers and employees, as may by said board be deemed for the best interest of said institutions.”

Approved March 6, 1953.

CHAPTER 237

An Act to Amend Section 75-4602 of the Revised Codes of Montana, 1947, as Amended by Section 2 of Chapter 188, Laws of 1951, Relating to the Division of a County Into High School Districts by the County Commission by Providing for High School Districts in That Part of a County Where Joint Districts Exist.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 75-4602 of the Revised Codes of Montana, 1947, as amended by section 2 of chapter 188,

laws of 1951, be, and the same is hereby amended to read as follows:

“75-4602. Commission May Divide County Into High School Districts. In all counties having a high school, or high schools, a commission consisting of the county commissioners and the county superintendent of schools shall at the request of any high school board of trustees in the county, divide the entire county into and establish one or more high school districts for the purpose of this act, after hearing; provided, that each high school district so formed must have one or more operating, accredited high schools within its boundaries; *provided, further, that both parts of a joint district maintaining a high school may be considered as maintaining an operating high school, and as such each part of the joint district may, together with one or more adjacent common school districts whose pupils attend the high school in the joint district, be set aside as a high school district. Provided, that, such resulting high school district in the county where the joint district high school is not located, shall be responsible for its share of the joint district high school budgets as is arrived at by following the procedure outlined in section 17, chapter 199, laws of 1949, and shall also be considered as a single high school district with the high school district of the joint district, wherein the high school is located for purposes of bonding as provided in Sections 75-4601-4605, R. C. M., 1947, as amended by chapter 188, laws of 1951, and also for purposes of selecting additional trustees as provided for in Section 75-4601, R. C. M., 1947, as amended by chapter 188, laws of 1951.* That the commission shall fix the time, date and place, and at such time, date and place hold a public hearing of the requested division of the county into high school districts, at which hearing any interested person may appear and be heard concerning the requested division. Written notice of such hearing shall be mailed by the county superintendent of schools to the chairman of each and every board of trustees of each and every school district in the county, and the chairman of the board of trustees of the county high school, stating the time, date and place of such public hearing, and shall be mailed not less than two (2) weeks preceding the date fixed for such hearing. The certificate of the

Commission to divide county into high school districts.

Each part of a joint district may combine with common school district to form a high school district.

Proviso.

Budget responsibility.

Bonding.

Procedure.

county superintendent of schools filed with the commission reciting that said notices were mailed shall be conclusive.

Approval of
superintendent
of public
instruction.

“The boundaries established by said commission shall be subject to the approval of the superintendent of public instruction.

Consolidation,
when.

“If any high school district shall cease to have within its borders an operating, accredited high school, then it shall be the duty of the county superintendent of schools to consolidate and annex the common school districts comprising said high school district to one or more operating high school districts within a period of six (6) months after one (1) year of being declared non-operating or non-accredited.

Factors in
creating
districts.

“In creating such districts the commission shall give first consideration to the factor of convenience of the patrons of the several schools. Common school districts may be grouped for the purpose of this act and when practicable high school districts shall be made up on contiguous and adjacent common school districts but the commission must take into consideration the existence or non-existence of obstacles of travel, such as mountains and rivers and existence or non-existence of highways and distances to high school. No common school districts shall be divided for the purpose of this act but must be made a part of a high school district in its entirety, unless such division is approved and authorized by the voters of the common school district involved, at a special election held for that purpose and such division shall be on the basis of equal area, or as near thereto as practicable in relation to the geographical features of such district, provided that the entire portion of a joint school district within the county shall be included within a high school district.”

Repealing
clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective
immediately.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1953.

CHAPTER 238

An Act Defining and Prohibiting the Waste of Oil and Gas in the State of Montana; Creating and Establishing

the Oil and Gas Conservation Commission; Defining the Powers and Duties of the Commission With Respect to Conservation of Oil and Gas; Providing for the Enforcement of the Act and the Rules, Regulations and Orders of Said Commission; Providing for the Filing and Hearing of Complaints Concerning Waste of Oil and Gas, and for Oaths, Subpoenas, Records, Suits and Appeals; Providing for Financing Activities of the Oil and Gas Conservation Commission; Repealing Sections 60-101 Through 60-123 Both Inclusive, and Section 8-208, Revised Codes of Montana, 1947; and Providing for Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Waste of oil and gas or either of them as waste is defined in this act, is prohibited.

Oil and gas,
prohibition
of waste.

Section 2. A. There is hereby created the oil and gas conservation commission of the State of Montana.

Oil and gas
conservation
commission
created.

B. The oil and gas conservation commission of the State of Montana shall be composed of five (5) persons to be appointed by the governor, with the concurrence of the state senate. That of the commissioners, two (2) and not more than two (2) will be appointed for a period of two (2) years, and they shall be from industry. One (1) non-industry man shall be appointed for three (3) years and one for four (4) years and one (1) for five (5) years. At the expiration of the term of the two (2) industry men, the appointment of their successors shall be for four (4) and five (5) years respectively, after which all vacancies shall be filled for five (5) year terms. All appointed members of the commission shall be subject to removal by the governor for cause at any time. In case of a vacancy in the office of a member of the commission, an appointment shall be made to fill such vacancy in the manner prescribed by the constitution of the State of Montana.

Organization,
terms,
vacancies.

C. Persons appointed as members of the commission shall have been bona fide residents of the State of Montana for at least one (1) year before such appointment, and the two (2) industry members, shall have had at least three (3) years' experience in the production of oil or gas.

Qualifications.

D. Each member appointed to the commission and each person appointed to office by the said commission before

Oath.

entering upon the duties of his office shall take and subscribe to the oath specified in section 1, article 19, of the constitution of the State of Montana and such oaths shall be filed in the office of the secretary of state.

Seal.

E. The commission shall have a seal with the words engraved thereon: "Oil and gas conservation commission of Montana", and such seal shall be affixed to all writs, authentication of records or other official proceedings of the commission. The courts of this state take judicial notice of such seal.

Executive
secretary,
employees.

F. The commission shall appoint an executive secretary and may employ such other persons as experts, geologists, petroleum engineers, attorneys, assistants, field supervisors, clerks and stenographers and may acquire such personal property as may be necessary to perform the duties that may be required of it, and fix the compensation of the executive secretary and employees. The members of the commission shall be allowed their transportation and per diem expenses as provided by law incurred in the discharge of their duties; provided, however, that the total expenditures of such commission shall not exceed in the aggregate during any fiscal year, the amount actually collected under the provisions of section 22 of this act, plus any amount appropriated for that purpose, or otherwise accruing to said fund.

Compensation.

Limitations.

Terms
defined.

Section 3. As used in this act, unless the context otherwise requires:

A. "Waste" means and includes (1) physical waste, as that term is generally understood in the oil and gas industry, (2) the inefficient, excessive, or improper use of, or the unnecessary dissipation of reservoir energy, (3) the location, spacing, drilling, equipping, operating or producing of any oil or gas well or wells in a manner which causes, or tends to cause, reduction in the quantity of oil or gas ultimately recoverable from a pool under prudent and proper operations, or which causes or tends to cause unnecessary or excessive surface loss or destruction of oil or gas and (4) the inefficient storing of oil or gas; provided, however, that the production of oil or gas from any pool or by any well to the full extent that such well or pool can be produced in accordance with methods designed to result in maximum ultimate recovery, as shall

be determined by the commission, shall not be deemed to be waste within the meaning of this definition.

B. "Commission" means the oil and gas conservation commission of Montana.

C. "Person" means and includes any natural person, corporation, association, partnership, receiver, trustee, executor, administrator, guardian, fiduciary, or other representative of any kind, and includes any department, agency, or instrumentality of the state or any governmental subdivision thereof; the masculine gender, in referring to a person, includes the feminine and the neuter genders.

D. "Oil" means and includes crude petroleum oil and other hydrocarbons regardless of gravity which are produced at the wellhead in liquid form by ordinary production methods, and which are not the result of condensation of gas before or after it leaves the reservoir.

E. "Gas" means and includes all natural gases and all other fluid hydrocarbons as produced at the wellhead and not hereinabove defined as oil.

F. "Pool" means an underground reservoir containing a common accumulation of oil or gas or both; each zone of a structure which is completely separated from any other zone in the same structure is a pool, as that term is used in this act.

G. "Field" means the general area underlaid by one or more pools.

H. "Owner" means the person who has the right to drill into and produce from a pool and to appropriate the oil or gas he produces therefrom either for himself or others or for himself and others, and including all persons holding such authority by or through him.

Nothing herein contained shall be construed to conflict with sub-section 4, of Section 81-1702, Revised Codes of Montana of 1947, as amended, granting state board of land commissioners the authority to enter into pooling and unitization agreements for the production of oil or gas with others.

I. "Producer" means the owner of a well or wells capable of producing oil or gas or both.

J. The word "and" includes the word "or" and the use of the word "or" includes the word "and". The use of the plural includes the singular and the use of the singular includes the plural.

Section 4. A. The commission has jurisdiction to exercise effectively the authority granted it by this act.

Commission,
investigatory
powers.

B. The commission has authority, and it is its duty, to make such investigations as it deems proper to determine whether waste exists or is imminent or whether other facts exist which justify any action by the commission under the authority granted by this act with respect thereto.

Authority
and duties.

C. The commission has authority, and it is its duty:

(1) to require: (a) identification of ownership of oil or gas wells, producing properties and tanks, (b) the making and filing of acceptable well logs, reports on well locations, and the filing of directional surveys, if made, provided, however, that logs of exploratory or wildcat wells need not be filed for a period of six (6) months following completion of such wells, (c) the drilling, casing, producing and plugging of wells in such manner as to prevent the escape of oil or gas out of one stratum into another, the intrusion of water into oil or gas stratum, blowouts, cavings, seepages, and fires: and the pollution of fresh water supplies by oil, gas, salt, or brackish water, (d) the furnishing of a reasonable bond with good and sufficient surety, conditioned for performance of the duty to properly plug each dry or abandoned well: (e) proper gauging or other measuring of oil and gas produced and saved to determine the quantity and quality thereof, (f) that every person who produces, transports or stores oil or gas in this state shall make available within this state for a period of five (5) years complete and accurate records of the quantities thereof, which records shall be available for examination by the commission or its agents at all reasonable times, and that every such person file with the commission such reports as it may prescribe with respect to quantities, transportations, and storages of such oil or gas.

(2) For the purpose of preventing waste, (a) to regulate the drilling, producing and plugging of wells, the shooting and chemical treatment of wells, the spacing of wells,

operations voluntarily entered into to increase ultimate recovery such as cycling of gas, the maintenance of pressure, and the introduction of gas, water, or other substances into producing formations and (b) to fix, upon application made by any interested person after hearing, efficient gas-oil and water-oil ratios for any particular well or wells.

(3) To regulate disposal of salt water and oil field wastes.

(4) To classify wells as oil or gas wells for purposes material to the interpretation or enforcement of this act.

(5) To promulgate and to enforce rules, regulations and orders to effectuate the purposes and the intent of this act.

(6) To prepare and submit to the legislative assembly of the State of Montana, during its regular session, and not later than the fifth legislative day, a report of the activities of the commission, including among other things, a summary account of the moneys received and expended by the commission, the petitions which have been filed before it, and such specific recommendations as the commission shall deem proper as to legislative enactment which will further the oil development of the State of Montana, and properly regulate the oil industry and the commission.

D. The commission shall have power and it shall be its duty to determine and prescribe what producing wells shall be defined as "stripper wells" and what wells shall be defined as "wild cat wells", and to make such orders as in its judgment shall be required to protect such wells, and to provide that stripper wells may be produced to capacity if it is deemed necessary in the interest of conservation so to do.

Defining and designating "stripper wells" and "wildcat wells."

E. With respect to any pool or pools from which gas was being produced by a gas well or gas wells on or prior to the date on which this act takes effect, this act shall never be so construed as to authorize the commission at any time to limit or restrain the rate (daily or otherwise) of production of gas from such pool or pools by any well then or hereafter drilled and producing from such pool or pools to less than the rate at which such well can be

Limitation on restriction of production.

produced without adversely affecting the quantity of gas ultimately recoverable by such well.

Drilling permit
required prior
to commence-
ment of well.

Section 5. It shall be unlawful to commence the drilling of a well for oil or gas without first giving to the commission written notice of intention to drill, and obtaining a drilling permit as in this act hereafter provided.

Spacing units
as to pools.

Section 6. A. To prevent or to assist in preventing waste of oil or gas prohibited by this act, the commission, upon its own motion or upon application of any interested person, after hearing, may by order establish well spacing units for a pool, as to oil wells or as to gas wells or both, except in those pools which, prior to the effective date of this act, have been developed to such an extent that it would be impracticable or unreasonable to establish spacing units at the existing stage of development. Spacing units when established shall insofar as possible be of uniform size and shape for the entire pool.

Exception.

Factors in
fixing spacing
units.

B. The size and the shape of spacing units are to be such as will result in the efficient and economic development of the pool as a whole, and the size shall be the area that can be efficiently drained by one well.

Limitation of
spacing order.

C. Subject to the provisions of this act, the order establishing spacing units shall direct that no more than one (1) well shall be drilled and produced from the common source of supply on any spacing unit, and that the well shall be drilled at a location authorized by the order, with such exception as may be reasonably necessary where it is shown, upon application, notice, and hearing, and the commission finds, that the spacing unit is located on the edge of a pool or field and adjacent to a producing unit, or, for some other reason, the requirement to drill the well at the authorized location on the spacing unit would be inequitable or unreasonable.

Exceptions
for cause.

Area of
spacing order.

D. An order establishing spacing units for a pool shall cover all lands then determined or then believed to be underlain by such pool and may be modified after notice and hearing by the commission from time to time to include additional areas subsequently determined to be underlain by such pool. When found necessary for the prevention of waste, an order establishing spacing units in a pool may be modified after notice and hearing by the commission

Modification,
notice and
hearing.

to increase or decrease the size of spacing units in the pool, or to permit the drilling of additional wells on a reasonably uniform plan in the pool.

Section 7. A. When two (2) or more separately owned tracts are embraced within a spacing unit, or when there are separately owned interests in all or a part of the spacing unit, then the persons owning such interests may pool their interests for the development and operation of the spacing unit. In the absence of voluntary pooling, within the spacing unit, the commission, upon the application of any interested person, may enter an order pooling all interests in the spacing unit for the development and operation thereof. Each such pooling order shall be made after hearing, and shall be upon terms and conditions that are just and reasonable, and that afford to the owner of each tract or interest in the spacing unit the opportunity to recover or receive, without unnecessary expense, his just and equitable share of the oil or gas produced and saved from such spacing unit. Operations incident to the drilling of a well upon any portion of a spacing unit covered by a pooling order shall be deemed, for all purposes, the conduct of such operations upon each separately owned tract in the spacing unit by the several owners thereof. That portion of the production allocated to each tract included in a spacing unit covered by a pooling order shall, when produced, be deemed for all purposes to have been produced from such tract by a well drilled thereon.

B. Each such pooling order shall make provision for the drilling and operating of a well on the spacing unit, and for the payment of the cost thereof, which cost may include a reasonable charge for supervision, handling and storage. As to each owner who refuses to pay his share of the costs of drilling and operating the well, the order shall provide for payment of his share of the cost out of, and only out of, production from the well allocable to his interest in the spacing unit, excluding royalty or other interest not obligated to pay any part of the cost thereof. In the event of any dispute as to such cost, the commission shall determine the proper cost. The order may provide in substance that the owners who agree to share in the cost of drilling and operating the well shall, unless they agree otherwise, be entitled to receive, subject to royalty or similar obligations, all of the production of the well

Voluntary and involuntary pooling of interests.

Hearing.

Obligations and production on a portion of unit deemed for each tract therein.

Order to provide for drilling a well on unit.

Costs — apportioned.

May be taken from production.

until they have recovered all of such costs out of such production and thereafter all of the owners in such spacing unit shall be entitled to receive their respective shares of the production of such well as their interest may appear after deducting their respective shares of current operating costs.

Sharing
after costs.

Section 8. An agreement for the unit or cooperative development and operation of a field or pool or any part of either, or for conducting re-pressuring or pressure maintenance operations, cycling or re-cycling operations, including the extraction and separation of liquid hydrocarbons from natural gas in connection therewith, or any other method of unit or cooperative operation, including water flooding, is authorized and may be performed. Such an agreement shall not be held or construed to violate any of the statutes of this state relating to trusts, monopolies or contracts and combinations in restraint of trade if the agreement is approved by the commission as being in the public interest and reasonably necessary to increase ultimate recovery or to prevent waste of oil or gas.

Unit operation
authorized.

Excepted from
anti-trust and
monopoly laws.

Section 9. A. The commission shall prescribe rules and regulations governing the practice and procedure before the commission.

Rules and
regulations to
be prescribed
by commission.

B. No rule, regulation or order, or amendment thereof, except in an emergency, shall be made by the commission without a public hearing upon at least ten (10) days' notice. The public hearing shall be held at such time and place as may be prescribed by the commission, and any interested person shall be entitled to be heard.

Notice and
hearing on
all rules,
regulations,
orders.

C. When an emergency requiring immediate action is found to exist, the commission is authorized to issue an emergency order without advance notice or hearing, which shall be effective upon promulgation. No emergency order shall remain effective for more than fifteen (15) days.

Emergency
orders
authorized —
time limit.

D. Notice required by this act shall be given by the commission as follows:

How notice
given.

(1) In all cases where (a) there is an application for the entry of a pooling order, or (b) there is an application for an exception from or change in an established well spacing pattern, or (c) a complaint is made by the commission or any person that any provision of this act, or

any rule, regulation or order of the commission is being violated, notice of the hearing to be held on such application or complaint shall be given to the interested persons in the manner provided by the laws of Montana for service of process in civil action as set forth in chapter 30, title 93, Revised Codes of Montana, 1947, as amended, and the secretary of the commission shall for such purposes be vested with the same powers and charged with the same duties as the clerk of the district court has under said chapter.

(2) In all matters of state wide application by one (1) publication in at least five (5) newspapers of general circulation throughout the state which are best calculated by the commission to reach the persons interested, and one (1) of which may be a trade journal or bulletin of general circulation in the oil and gas industry in the state.

Publication.

(3) In all matters applicable to the whole of a particular pool or field, either by personal service or by notice in the manner prescribed in subparagraph two (2) above, excepting that one (1) of the newspapers selected for publication of the notice shall be published in the county where the land affected, or any part thereof, is situated, if any such newspaper there be.

Publication in county where land affected situated.

(4) In all other cases at the election of the commission either by personal service or by one publication in a newspaper of general circulation in the county where the land affected, or some part thereof, is situated.

(5) All notices shall issue in the name of the state, shall be signed by the chairman or executive secretary of the commission, and shall specify the title and number of the proceeding, the time and place of hearing, and shall briefly state the purpose of the proceeding.

Form of notice.

E. All rules, regulations and orders issued by the commission shall be in writing, shall be entered in full in books to be kept by the commission for that purpose, shall be indexed, and shall be public records open for inspection at all times during reasonable office hours. Except for orders establishing or changing rules of practice and procedure, all orders made and published by the commission shall include and be based upon written findings of fact entered and indexed as public records in the manner here-

Rules, regulations, orders in writing.

Public records.

Certified
copies —
evidence.

inabove provided. A copy of any rule, regulation, or order certified by the commission or its secretary shall be received in evidence in all courts of this state with the same effect as the original.

Procedure.

F. Except as otherwise in this act provided, the commission may act upon its own motion, or upon the petition of any interested person. On the filing of a petition concerning any matter within the jurisdiction of the commission, the commission shall promptly fix a date for a hearing thereon, and shall cause notice of the hearing to be given. The hearing shall be held without undue delay after the filing of the petition. The commission shall enter its order within thirty (30) days after the hearing.

Subpoena
power.

Section 10. A. The commission shall have the power to subpoena witnesses, to administer oaths, and to require the production of records, books, and documents for examination at any hearing or investigation conducted by it. Subpoenaed witnesses shall be paid the same per diem and mileage as is provided to be paid to witnesses attending the district courts of this state.

No infringe-
ment of private
action.

B. Nothing in this act, and no suit by or against the commission, and no violation charged or asserted against any person under any provisions of this act, or any rule, regulation or order issued hereunder, shall impair or abridge or delay any cause of action for damages or other civil remedy, which any person may have or assert against any other person violating any provision of this act, or any rule, regulation, or order issued thereunder. Any person so aggrieved by the violation may sue for and recover such damages or relief as he otherwise may be entitled to receive. If the commission shall fail to bring suit to enjoin a violation or threatened violation of any provision of this act, or any rule, regulation, or order of the commission within ten (10) days after receipt of written request to do so by any person who is or will be adversely affected by such violation, the person making such request may bring such suit in his own behalf to restrain such violation or threatened violation in any court in which the commission might have brought suit. The commission shall be made a party defendant in such suit in addition to the person violating or threatening to violate a provision of this act, or a rule, regulation, or order of

Right of party
if commission
fails to act.

the commission, and the action shall proceed and injunctive relief may be granted without bond in the same manner as if suit had been brought by the commission.

C. In case of failure or refusal on the part of any person to comply with the subpoena issued by the commission or in case of the refusal of any witness to testify as to any material matter regarding which he may be interrogated, any district court in the state, upon good cause shown by the application of the commission, may issue a warrant of attachment for such person and if after hearing the court finds his failure or refusal to be unjustified, compel him to comply with such subpoena, and to attend before the commission and produce any subpoenaed records, books, and documents for examination, and to give his testimony. Such court shall have the power to punish for contempt as in the case of disobedience to a like subpoena issued by the court, or for refusal to testify therein.

Procedure
on failure
to obey
subpoena.

Section 11. Any person adversely affected by any rule, regulation, or order of the commission may within twenty (20) days after its effective date apply to the commission in writing for a rehearing. The application for rehearing shall be acted upon within ten (10) days after its filing, and if granted, the rehearing shall be held without undue delay.

Rehearing
and appeal of
commission
action.

Section 12. A. Any interested person adversely affected by any provision of this act, or by any rule, regulation, or order made by the commission hereunder, or by any act done or threatened thereunder, may obtain court review and seek relief by a suit for an injunction against the commission as defendant, which suit may be instituted in the district court of the county where the commission keeps its principal office, or in the district court of any county wherein the land involved or any part thereof is situated. The term "interested person", as used herein, shall be interpreted broadly and liberally, especially where the suit involves the right to drill a well, or involves some other act which clearly affects the plaintiff even though the effect be indirect; and if the act complained of involves a general order for a pool, or the right to drill a well therein, a person who owns or has an interest in a well in such pool, which well is capable of producing oil or gas, shall be considered to be, prima facie, an interested person.

Right of
"interested
person" to
court relief.

Who is
"interested
person."

Preferential
setting,
de novo trial

Such suit shall be given a preferential setting, and shall be tried de novo and disposed of as an ordinary civil suit, and not upon the record of any hearing or hearings before the commission, if any be held. The statute, rule, regulation, or decision involved in such suit shall be prima facie valid; however, the finding of fact, actual or presumed, made by the commission in support of the rule, regulation, order, or decision involved in such suit shall not be binding on the court though supported by evidence introduced at a hearing or hearings before the commission. The court shall decide all relevant questions of law, interpret constitutional and statutory provisions, and determine the meaning or applicability of the terms of any commission action. The court shall

Area of court
jurisdiction.

(a) compel commission action unlawfully withheld or unreasonably delayed; and (b) hold unlawful and set aside commission action, findings, and conclusions found to be

(1) arbitrary, unreasonable, capricious, and abuse of discretion, or otherwise not in accordance with law;

(2) contrary to constitutional right, power, privilege, or immunity;

(3) in excess of statutory jurisdiction, authority or limitations, or short of statutory right;

(4) without observance of procedure required by law; or

(5) unwarranted by the facts.

The court shall consider all the evidence, shall pass on the credibility of witnesses and the weight to be given their testimony, and shall resolve such fact issues as may be necessary for decision in the case.

Injunctive
relief not to
be granted
until certain
bases estab-
lished in court.

B. No temporary restraining order or temporary injunction of any kind shall be granted against the commission and its members or against the attorney general, or against any agent, employee, or representative of the commission, restraining the commission and its members, or any of its agents, employees, or representatives, or the attorney general, from enforcing any of the provisions of this act, or any rule, regulation, or order made thereunder until it shall be shown to the satisfaction of the court that

the act done or threatened is probably without sanction of the law or that the provisions of this act, or the rule, regulation, or order complained of is probably invalid or unreasonable, and that, if enforced against the complaining party, will probably cause an irreparable injury. With respect to any order or decree granting temporary injunctive relief, the nature and extent of the probable invalidity of the statute, or of any provision of this act, or of a rule, regulation, or order thereunder involved in such suit, must be recited in the order or decree granting the temporary relief, as well as a clear statement of the probable damage relied upon by the court as justifying temporary injunctive relief.

What decree must contain.

C. No temporary restraining order or temporary injunction of any kind against the commission or its members, or its agents, employees, or representatives, or the attorney general, shall become effective until the plaintiff shall execute a bond with sufficient sureties in such amount and upon such conditions as the court may direct. The bond shall be made payable to the State of Montana, shall be approved by the judge of the court, and shall be for the use and benefit of all persons who may be injured by the acts done under the protection of the temporary restraining order or temporary injunction. Any person claiming injury must bring suit within six (6) months after the date of the final determination of the validity, in whole or in part of the provisions of the act or the rule, regulation, or order, the enforcement of which was enjoined; otherwise the right to bring such suit shall be forever barred.

Bond prerequisite to injunctive relief.

Limitation on suit on action of commission enjoined.

D. An appeal to the supreme court may be taken from any final judgment, decree or order in any such action, as provided in chapter 80 of title 93, Revised Codes of Montana, 1947.

Appeal to supreme court allowed.

Section 13. Whenever it appears that any person is violating or threatening to violate any provision of this act, or any rule, regulation, or order of the commission, the commission shall bring suit against such person in the district court of any county where the violation occurs or is threatened, to restrain such person from continuing such violation or from carrying out the threat of violation. In any such suit, the court shall have jurisdiction to

Actions may be instituted by commission.

grant to the commission, without bond or other undertaking, such prohibitory and mandatory injunctions as the facts may warrant, including temporary restraining orders.

Retaining non-conflicting rules of board of railroad commissioners.

Section 14. All of the rules, regulations and orders of the board of railroad commissioners of the State of Montana and of the oil conservation board of the State of Montana in effect at the effective date of this act and not in conflict herewith, covering, pertaining to, or relating to any of the regulatory authority, matters and things embraced in this act shall be and remain in full force and effect as rules, regulations and orders of the commission until abrogated or amended by rules, regulations and orders duly promulgated by the commission.

Substituting commission for board of railroad commissioners and oil conservation board on matters in this act.

Section 15. The commission shall be and hereby is substituted for the board of railroad commissioners of the State of Montana and the oil conservation board of the State of Montana in all agreements, contracts, undertakings and proceedings covering or pertaining to the regulatory authority, matters and things embraced in this act, and shall be subject to the liabilities and entitled to the benefits thereof.

Transfer of records, property to commission pertaining to authorities in this act.

Section 16. All property and records of the oil conservation board of the State of Montana and all records of the board of railroad commissioners pertaining to any regulatory authority, or matters, or things, embraced in this act shall forthwith, upon the effective date of this act, be and become the property and records of the commission. All money in the "oil conservation board fund" shall be transferred forthwith by the treasurer of the State of Montana to the oil and gas conservation fund upon the effective date of this act subject to the payment of all lawful outstanding claims, demands and warrants of every nature existing. The commission is empowered to collect any and all taxes together with any penalty and interest which may be due and payable to the oil conservation board on the effective date of this act and the moneys so collected shall be credited to the oil and gas conservation fund, all of said taxes, penalties and interest and the right to collect the same being hereby saved from the repealing provision of this act.

Oil conservation board fund to oil and gas conservation fund.

Commission to collect taxes and penalties due oil conservation board.

Section 17. This act shall apply to all lands in the State of Montana lawfully subject to its taxation and police powers: provided, it shall apply to lands of the United States or to lands subject to the jurisdiction of the United States only to the extent that control and supervision of conservation of oil and gas by the United States on its lands shall fail to effect the intent and purposes of this act and otherwise shall apply to such lands to such extent as any officer of the United States having jurisdiction, or his duly authorized representative, shall approve any of the provisions of this act or the order or orders of the commission which affect such lands; and, furthermore, the same shall apply to any lands committed to a unit agreement approved by the secretary of the interior or his duly authorized representative except that the commission may, with respect to such unit agreements, suspend the application of this act or any part of this act so long as the conservation of oil and gas and the prevention of waste as in this act provided is accomplished under such unit agreements but such suspension shall not relieve any operator or owner from making such reports as may be required by the commission with respect to operations and production under any such unit agreement; nor shall such suspension relieve any operator or owner from the payment of taxes on his oil and gas production or payment for permit fees as required by this act.

Scope of
application
of act.

Section 18. The commission is authorized to cooperate with any other state, interstate, or federal agency, and other governmental agencies of the State of Montana to effect the objects and purposes of this act and expend such funds as may be reasonably necessary in connection therewith.

Commission
may cooperate
with other
agencies.

Section 19. If any person shall wilfully violate any lawful regulation or order of said commission, or if any person, for the purpose of evading this act, or any rule, regulation, or order of the commission, shall knowingly and wilfully (1) make or cause to be made any false entry or statement in a report required by this act or by any such rule, regulation, or order, or any false entry in any record, account, or memorandum required by this act, or by any such rule, regulation, or order, or (2) omit, or cause to be omitted, from any such record, account, or memorandum, full, true, and correct entries as required by this

Penalties.

act, or by any such rule, regulation, or order, or (3) remove from this state or destroy, mutilate, alter, or falsify any such record, account, or memorandum, such person shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not more than five thousand dollars (\$5,000.00) or imprisonment in a county jail for a term not exceeding six (6) months, or to both such fine and imprisonment.

Oil and gas wells not public utilities.

Section 20. Nothing in this act contained shall in any manner be construed as constituting or attempting to constitute oil or gas wells as a public utility or utilities.

Cores or cutting to be available to commission.

Section 21. Any owner drilling a well for gas or oil shall make available at the well to the commission cores, when available, and the cuttings from such well if and when required by regulation or order of the commission, and the commission shall cause such cores and cuttings to be delivered to the bureau of mines and geology of the State of Montana as the bureau may from time to time request; providing, however, that cores or cuttings from exploratory or wild cat wells need not be so made available for a period of six (6) months following completion or abandonment of such wells.

Delivery to bureau of mines and geology.

Proviso.

Privilege and license tax to finance this act.

Section 22. A. For the purpose of providing funds for defraying the expenses of the operation and enforcement of this act, and the expenses of said commission, the operators and producers of oil and gas shall be required to pay the following schedule of assessments on each and every barrel of crude petroleum originally produced, saved and marketed or stored within the State of Montana, or exported from the State of Montana, to wit: on leases on which wells are producing an average of twenty-five (25) barrels per day or less, one-fourth of one cent ($\frac{1}{4}\text{¢}$); on leases on which wells are producing an average of more than twenty-five (25) barrels per day, one-half of one cent ($\frac{1}{2}\text{¢}$); and on wells producing, saving and marketing, storing, or exporting natural gas, said operators and producers shall pay one mill (1) per ten thousand (10,000) cubic feet. Such payments shall be made during the time said commission is in existence. Producers thereof shall make such payment on each and every barrel of crude petroleum and each ten thousand (10,000) cubic feet of natural gas produced for themselves as well as for others

including royalty holders and shall be reimbursed for such payments made on crude oil and natural gas produced for others in the same manner as they are reimbursed for net proceeds tax paid on crude petroleum or natural gas produced for others as provided for in section 84-5409, Revised Codes of Montana.

In addition to the above mentioned privilege and license tax, any person, before commencing the drilling of any oil or gas well, shall secure from the commission a drilling permit and shall pay to the commission therefor the following amounts: for each well whose estimated depth is thirty-five hundred (3500) feet or less, twenty-five dollars (\$25.00); from thirty-five hundred and one (3501) feet to seven thousand (7,000) feet, seventy-five dollars (\$75.00); seven thousand (7000) feet and deeper, one hundred fifty dollars (\$150.00).

Drilling per-
mit — fee.

B. Each producer of crude petroleum in the State of Montana, shall, not later than the last day of each of the calendar months of January, April, July and October of each and every calendar year, beginning with the month of July of the year one thousand nine hundred and fifty-three (1953), render a true statement to the state treasurer of the State of Montana, and a duplicate thereof to the commission, duly signed and sworn to, of all crude petroleum produced by him in this state during the preceding three (3) calendar months, and containing such other information as the commission may require, and shall accompany such statement with the payment to the state treasurer of the assessment provided for in section 22-A, above, for the period covered by such statement. Each producer of natural gas in the State of Montana shall render like statements to the state treasurer of all natural gas produced by him in this state, and shall make payment of the assessment provided for in section 22-A, at such times and for such periods as may be prescribed by regulation of the commission. Any producer carrying on business at more than one (1) place or location in this state may include all such places of business in one (1) statement.

Quarterly
reports to
treasurer and
commission.

C. Any such assessment not paid within the time herein specified shall be delinquent, and a penalty of twenty-five per cent (25%) thereof shall be added thereto and the whole thereof shall bear interest at the rate of one per cent

Penalty for
delinquent
payment.

Duty of attorney general. (1%) per month from the date of delinquency until paid. Upon request of the commission it shall be the duty of the attorney general to commence and prosecute to final determination in any court of competent jurisdiction an action at law to collect the same.

Oil and gas conservation fund. D. All money collected under the provisions of this act shall be deposited in a special fund to be known as the "oil and gas conservation fund" by the state treasurer of the State of Montana, and the fund to be raised shall be used for the purpose of paying all expenses of said commission and for no other purpose; all monies from this fund shall be used by said commission subject to the approval of the controller and biennial appropriations by the legislative assembly. Upon the termination of said commission any balance remaining in said fund shall be paid over to the general fund of the state. All accounts and expenditures of said commission shall be certified by the commission, approved by the board of examiners, and paid by the state treasurer upon warrants drawn by the state auditor out of the oil and gas conservation fund.

How money in fund expended.

Secretary and employees — limitation on expenditures. E. The commission may appoint a secretary and employ such other persons as experts, assistants, clerks, and stenographers, as may be necessary to perform the duties that may be required of it, and fix their compensation; provided, however, that the total expenditures of such commission shall not exceed in the aggregate during any fiscal year, the amount actually collected under the provisions of 22-A, plus any amount appropriated for that purpose, or otherwise accruing to said fund. The members of the commission shall be allowed their several expenses incurred in the discharge of their duties.

Severability. Section 23. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are hereby declared to be severable.

Repealing clause. Section 24. Title 60 composed of Sections 60-101 through 60-123 both inclusive, and Section 8-208 of the Revised Codes of Montana of 1947, and all other acts and parts of other acts in conflict herewith are hereby repealed.

Section 25. This act shall take effect on April 1, 1953.

Effective
date.

Approved March 9, 1953.

CHAPTER 239

An Act to Amend Sections 27-202, 27-203, 27-204, 27-205, 27-206, 27-207, 27-210 and 27-211, Revised Codes of Montana, 1947, Being Part of the Montana Insecticide, Fungicide, and Rodenticide Act of 1947, Relating to Prevention of the Manufacture, Shipment and Sale of Adulterated or Misbranded Insecticides, Fungicides, Rodenticides, Herbicides, and Other Economic Poisons With the State of Montana; Providing for the Registration and Examination of Said Materials by the State Board of Health of the State of Montana; Prescribing the Powers and Duties of Said Board, and the Powers and Duties of the Director of the Agricultural Experiment Station of Montana State College, Including the Power of Either and Both to Make Rules and Regulations Within the Scope of Said Sections and This Act Upon and in Connection With Said Subjects of Regulation; Providing Penalties for Violation of Said Sections and This Act; Providing for the Disposal of Fines, Effecting Seizures, Delegation of Duties by Said Board, Cooperation by Said Board With Other Governmental Agencies; and to Abolish the Title of "Director", and to Charge Said Board, as a Board, With the Responsibility for the Administration and Enforcement of Said Sections and This Act, and to Prescribe That All Personnel Employed or Appointed by the Board Under This Act Shall Function Under the Continuing Supervision of Said Board and Subject to Its Order and Regulations.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 27-202, Revised Codes of Montana, 1947, shall be and the same is hereby amended to read as follows:

Amending
clause.

"27-202. Definitions for Purposes of Montana Insecticide, Fungicide, and Rodenticide Act of 1947. State Board of Health Charged With Administration and Enforcement of Act.

Terms
defined.

“(a) The term ‘economic poison’ means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any insects, rodents, fungi, weeds, or other forms of plant or animal life or viruses, except viruses or fungi on or in living man or other animals, which the director of the agricultural experiment station of Montana state college shall declare to be a pest.

“(b) The term ‘insecticide’ means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any insects which may be present in any environment whatsoever.

“(c) The term ‘fungicide’ means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any fungi.

“(d) The term ‘rodenticide’ means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating rodents or any other vertebrate animals which the director of the agricultural experiment station shall declare to be a pest.

“(e) The term ‘herbicide’ means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any weed.

“(f) The term ‘insect’ means any of the numerous small invertebrate animals generally having the body more or less obviously segmented, for the most part belonging to the class insecta, comprising six-legged, usually winged forms, as, for example, beetles, bugs, bees, flies, and to other allied classes of arthropods whose members are wingless and usually have more than six legs, as for example, spiders, mites, ticks, centipedes, and wood lice.

“(g) The term ‘fungi’ means all non-chlorophyll-bearing thallophytes (that is, all non-chlorophyll-bearing plants of a lower order than mosses and liverworts) as, for example, rusts, smuts, mildews, molds, yeasts, and bacteria, except those on or in living man or other animals.

“(h) The term ‘weed’ means any plant which grows where not wanted.

“(i) The term ‘ingredient statement’ means either :

(1) a statement of the name and percentage of each active ingredient, together with the total percentage of the inert ingredients, in the economic poison; or

(2) a statement of the name of each active ingredient, together with the name of each and total percentage of the inert ingredients, if any there be, and the economic poison (except option 1 shall apply if the preparation is highly toxic to man, determined as provided in section 27-205); and, in addition to (1) or (2) in case the economic poison contains arsenic in any form a statement of the percentages of total and water soluble arsenic, each calculated as elemental arsenic.

“(j) The term ‘active ingredient’ means an ingredient which will prevent, destroy, repel, or mitigate insects, fungi, rodents, weeds, or other pests.

“(k) The term ‘inert ingredient’ means an ingredient which is not an active ingredient.

“(l) The term ‘antidote’ means the most practical immediate treatment in case of poisoning and includes first aid treatment.

“(m) The term ‘person’ means any individual, partnership, association, corporation, or organized group of persons whether incorporated or not.

“(n) The term ‘board’ means the state board of health of the State of Montana, hereby charged with the responsibility of administering and enforcing this act.

Defining
“board.”

“(o) The term ‘registrant’ means the person registering any economic poison pursuant to the provisions of this act.

“(p) The term ‘label’ means the written, printed, or graphic matter on, or attached to, the economic poison, or the immediate container thereof, and the outside container or wrapper of the retail package, if any there be, of the economic poison.

“(q) The term ‘labeling’ means all labels and other written, printed, or graphic matter,

(1) upon the economic poison or any of its containers or wrappers;

(2) accompanying the economic poison at any time;

(3) to which reference is made on the label or in literature accompanying the economic poison, except when accurate, non-misleading reference is made to current official publications of the United States departments of

agriculture or interior, the United States public health service, state experiment stations, state agricultural colleges, or other similar federal institutions or official agencies of this state or other states authorized by law to conduct research in the field of economic poisons.

“(r) The term ‘adulterated’ shall apply to any economic poison if its strength or purity falls below the professed standard or quality as expressed on labeling or under which it is sold, or if any substance has been substituted wholly or in part for the article, or if any valuable constituent of the article has been wholly or in part abstracted.

“(s) The term ‘misbranded’ shall apply:

(1) to any economic poison if its labeling bears any statement, design, or graphic representation relative thereto or to its ingredients which is false or misleading in any particular;

(2) to any economic poison:

(a) if it is an imitation of or is offered for sale under the name of another economic poison;

(b) if its labeling bears any reference to registration under this act;

(c) if the labeling accompanying it does not contain instructions for use which are necessary and, if complied with, adequate for the protection of the public;

(d) if the label does not contain a warning or caution statement which may be necessary and, if complied with, adequate to prevent injury to living man and other vertebrate animals;

(e) if the label does not bear an ingredient statement on that part of the immediate container and on the outside container or wrapper, if there be one, through which the ingredient statement on the immediate container cannot be clearly read, of the retail package which is presented or displayed under customary conditions of purchase;

(f) if any word, statement, or other information required by or under the authority of this act to appear on the labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or graphic matter in the labeling) and in

such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use, or

(g) if in the case of an insecticide, fungicide, or herbicide, when used as directed or in accordance with commonly recognized practice it shall be injurious to living man or other vertebrate animals or vegetation, except weeds, to which it is applied, or to the person applying such economic poison.”

Section 2. That Section 27-203, Revised Codes of Montana, 1947, shall be and the same is hereby amended to read as follows:

Amending
clause.

“27-203. **Prohibited Acts.** (a) It shall be unlawful for any person to distribute, sell, or offer for sale within this state or deliver for transportation or transport in intrastate commerce or between points within this state through any point outside this state any of the following:

Prohibited acts
enumerated.

(1) Any economic poison which has not been registered pursuant to the provisions of section 27-203 or any economic poison if any of the claims made for it or any of the directions for its use differ in substance from the representations made in connection with its registration, or if the composition of an economic poison differs from its composition as represented in connection with its registration; provided, that, in the discretion of the *board*, a change in the labeling or formula of an economic poison may be made within a registration period without requiring re-registration of the product.

(2) Any economic poison unless it is the registrant's or the manufacturer's unbroken immediate container, and there is affixed to such container, and to the outside container or wrapper of the retail package, if there be one through which the required information on the immediate container can not be clearly read, a label bearing:

(a) the name and address of the manufacturer, registrant, or person for whom manufactured;

(b) the name, brand, or trade mark under which said article is sold; and,

(c) the net weight or measure of the content subject, however, to such reasonable variations as the director may permit.

(3) Any economic poison which contains any substance or substances in quantities highly toxic to man, determined as provided in section 27-205 unless the label shall bear, in addition to any other matter required by this act,

(a) the skull and crossbones;

(b) the word 'poison' prominently, in red, on a background of distinctly contrasting color; and,

(c) a statement of an antidote for the economic poison.

(4) The economic poison commonly known as standard lead arsenate, basic lead arsenate, calcium arsenate, magnesium arsenate, zinc arsenate, zinc arsenite, sodium flouride, sodium fluosilicate, and barium fluosilicate unless they have been distinctly colored or discolored as provided by regulations issued in accordance with this act, or any other white powder economic poison which the *board*, after investigation of and after public hearing on the necessity for such action for the protection of the public health and the feasibility of such coloration or discoloration, shall, by regulation, require to be distinctly colored or discolored; unless it has been so colored or discolored; provided, that the *board* may exempt any economic poison to the extent that it is intended for a particular use or uses from the coloring or discoloring required or authorized by this section if *it* determines that such coloring or discoloring for such use or uses is not necessary for the protection of the public health.

(5) Any economic poison which is adulterated or misbranded.

“(b) It shall be unlawful:

(1) for any person to wilfully or maliciously detach, alter, deface, or destroy, in whole or in part, any label or labeling provided for in this act or regulations promulgated hereunder, or to add any substance to, or take any substance from, an economic poison in a manner that may defeat the purpose of this act;

(2) for any person to use for his own advantage or to reveal, other than to the *board* or proper officials or employees of the state or to the courts of this state in response to a subpoena, or to physicians, or in emergencies to pharmacists and other qualified persons, for use in the prepara-

tion of antidotes, any information relative to formulas of products acquired by authority of section 27-204.

Section 3. That Section 27-204, Revised Codes of Montana, 1947, shall be and the same is hereby amended to read as follows:

Amending
clause.

“27-204. **Registration.** (a) Every economic poison which is distributed, sold, or offered for sale within this state or delivered for transportation or transported in intrastate commerce or between points within this state through any point outside this state shall be registered in the office of the *board*, and such registration shall be renewed annually; provided, that products which have the same formula, are manufactured by the same person, the labeling of which contains the same claims, and the labels of which bear a designation identifying the product as the same economic poison which may be registered as a single economic poison; and additional names and labels shall be added by supplement statements during the current period of registration; and provided, further, that any economic poison imported into this state, which is subject to the provisions of any federal act providing for the registration of economic poisons and which has been duly registered under the provisions of said act, may, in the discretion of the *board*, be exempted from registration under this act, when sold or distributed in the unbroken immediate container in which it was originally shipped. The registrant shall file with the *board* a statement including.

Annual
registration
with board
of economic
poisons.

Contents of
registration
statement.

(1) the name and address of the registrant and the name and address of the person whose name will appear on the label, if other than the registrant;

(2) the name of the economic poison;

(3) a complete copy of the labeling accompanying the economic poison and a statement of all claims to be made for it including directions for use; and

(4) if requested by the *board* a full description of the tests made and the results thereof upon which the claims are based. In the case of renewal of registration, a statement shall be required only with respect to information which is different from that furnished when the economic poison was registered or last re-registered.

Board may
require
formula.

“(b) The *board*, whenever *it* deems it necessary in the administration of this act, may*require the submission of the complete formula of any economic poison. If it appears to the *board* that the composition of the article is such as to warrant the proposed claims for it and if the article and its labeling and other material required to be submitted comply with the requirements of section 27-203, *it* shall register the article.

Procedure
when board
finds claims
unwarranted.

“(c) If it does not appear to the *board* that the article is such as to warrant the proposed claims for it or if the article and its labeling and other material required to be submitted do not comply with the provisions of this act, *it* shall notify the registrant of the manner in which the article, labeling, or other material required to be submitted fail to comply with the act so as to afford the registrant an opportunity to make the necessary corrections. If, upon receipt of such notice, the registrant insists that such corrections are not necessary and requests in writing that the article be registered, the *board* shall register the article, under protest, and such registration shall be accompanied by a warning, in writing, to the registrant of the apparent failure of the article to comply with the provisions of the act. In order to protect the public, the *board*, on *its* own motion, may at any time, cancel the registration of an economic poison and in lieu thereof issue a registration under protest in accordance with the foregoing procedure. In no event shall registration of an article, whether or not protested, be construed as a defense for the commission of any offense prohibited under section 27-203.

Registration
under protest.

Exceptions
from act.

“(d) Notwithstanding any other provision of this act, registration is not required in the case of an economic poison shipped from one plant within this state to another plant within this state operated by the same person.

“(e) Nothing in this act shall apply to wholesalers or retailers selling economic poisons in the manufacturers’ original unbroken packages in Montana.”

Amending
clause.

Section 4. That Section 27-205, Revised Codes of Montana, 1947, shall be and the same hereby is amended to read as follows:

Determinations.

“27-205. **Determinations — Rules and Regulations — Uniformity.** (a) The director of the agricultural ex-

periment station of Montana state college is authorized, after opportunity for a hearing,

(1) to declare as a pest any form of plant or animal life or virus which is injurious to plants, men, domestic animals, articles, or substances.

“(b) The *state board of health* is authorized after opportunity for a hearing,

(1) to determine whether economic poisons are highly toxic to man; and,

(2) to determine standards of coloring or discoloring for economic poisons, and to subject economic poisons to the requirements of section 27-203 (a) (4).

“(c) The *board* is authorized, after due public hearing, to make appropriate rules and regulations for carrying out the provisions of this act, including rules and regulations providing for the collection and examination of samples of economic poisons.

Rules and
regulations.

“(d) In order to avoid confusion endangering the public health, resulting from diverse requirements, particularly as to the labeling and coloring of economic poisons, and to avoid increased costs to the people of this state due to the necessity of complying with such diverse requirements in the manufacture and sale of such poisons, it is desirable that there should be uniformity between the requirements of the several states and the federal government relating to such poisons. To this end the *board* is authorized, after due public hearing, to adopt by regulation such regulations, applicable to and in conformity with the primary standards established by this act, as have been or may be prescribed in the United States department of agriculture with respect to economic poisons, *as the regulations of the board*.

Uniformity
of standards.

“(e) All rules and regulations promulgated under authority granted by paragraph b (1) (2), paragraph c, and paragraph d, must be approved by the *board* and, *also*, by the director of the agricultural experiment station of Montana state college.”

Section 5. That Section 27-206, Revised Codes of Montana, 1947, shall be and the same is hereby amended to read as follows:

Amending
clause.

Enforcement
by board.

“27-206. **Enforcement.** (a) The examination of economic poisons shall be made under the direction of the *board* for the purpose of determining whether they comply with the requirements of this act. If it shall appear from such examination that an economic poison fails to comply with the provisions of this act, and the *board* contemplates instituting criminal proceedings against any person, the *board* shall cause appropriate notice to be given to such person. Any person so notified shall be given an opportunity to present his views, either orally or in writing, with regard to such contemplated proceeding and if thereafter in the opinion of the *board* it shall appear that the provisions of the act have been violated by such person, then the *board* shall refer the facts to the county attorney for the county in which the violation shall have occurred with a copy of the results of the analysis or the examination of such article: provided, however, that nothing in this act shall be construed as requiring the *board* to report for prosecution or for the institution of libel proceedings minor violations of the act whenever *it* believes that the public interests will be best served by a suitable notice of warning in writing.

Prosecution
by county
attorney.

“(b) It shall be the duty of each county attorney to whom any such violation is reported to cause appropriate proceedings to be instituted and prosecuted in the district court without delay.

Publication of
judgments.

“(c) The *board* shall, by publication in such manner as *it* may prescribe, give notice of all judgments entered in actions instituted under the authority of this act.”

Amending
clause.

Section 6. That Section 27-207, Revised Codes of Montana, 1947, shall be and the same is hereby amended to read as follows:

Exemptions
from act
enumerated.

“27-207. **Exemptions.** The penalties provided for violations of section 27-203(a) shall not apply to:

(1) registered pharmacists regulated under the laws of this state, wholesalers or retailers selling economic poisons in the manufacturers' original unbroken packages in Montana;

(2) any carrier while lawfully engaged in transporting an economic poison within this state, if such carrier shall, upon request, permit the *board* or *its* designated agent to

copy all records showing the transactions in and movement of the articles;

(3) public officials of this state and the federal government engaged in the performance of their official duties; provided that such officials when in charge of large scale control campaigns shall keep accurate records as to the storage and disposal of economic poisons placed under their control;

(4) the manufacturer or shipper of an economic poison for experimental use only,

(a) by or under the supervision of an agency of this state or of the federal government authorized by law to conduct research in the field of economic poisons, or

(b) by others if the economic poison is not sold and if the container thereof is plainly and conspicuously marked 'for experimental use only — not to be sold', together with the manufacturer's name and address: provided, however, that if a written permit has been obtained from the board, economic poisons may be sold for experiment purposes subject to such restrictions and conditions as may be set forth in the permit."

Section 7. That Section 27-210, Revised Codes of Montana, 1947, shall be and the same is hereby amended to read as follows:

Amending clause.

"27-210. Agents and Appointees of Board — Delegation of Duties. *The board is authorized to appoint and employ such qualified chemists or other qualified personnel, technically educated and trained, as may be necessary and proper to enable it to administer this act, and accomplish its purposes in the public interest; and the board may assign the execution of powers and duties to such personnel, under its continuing supervision; the board may also assign the execution of duties under this act to such employees of the State of Montana, or employees of political subdivisions therein, as the board may from time to time designate in writing, to aid the board in detail administration.*"

Agents and appointees of board.

Delegation of duties authorized.

Section 8. That Section 27-211, Revised Codes of Montana, 1947, shall be, and the same is hereby amended to read as follows:

Amending clause.

Board may
cooperate
with other
agencies.

“27-211. **Cooperation.** The *board* is authorized and empowered to cooperate with, and enter into agreement with any other agency of this state, or political subdivision, the United States department of agriculture, and any other state or agency thereof for the purpose of carrying out the provisions of this act and securing uniformity of regulations, *but the board is not empowered to commit the state to an expense not authorized by the legislative assembly.*”

Board may
not commit
state to
unauthorized
expense.

Effective
immediately.

Section 9. This act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1953.

CHAPTER 240

An Act to Amend Section 84-1817, of the Revised Codes of Montana, 1947, Relating to the Method for the Determination and Distribution of the State Highway Fund for Construction Purposes, Repealing All Acts and Parts of Acts in Conflict Herewith, and Providing an Effective Date Hereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 84-1817 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Distribution
of state
highway
construction
funds.

“84-1817. (2396.3) *Distribution of State Highway Construction Funds.*

“(1) *Allotment of state construction funds for federal aid highway systems.*

Allotment
of funds to
federal aid
systems.

“*At the start of the fiscal year beginning July 1, 1953, and at the beginning of each fiscal year thereafter, the state highway commission shall allot available state construction moneys to the federal aid primary highway system, the federal aid secondary highway system and the federal aid urban highway system in proportion to the amounts necessary to match the respective amounts of federal aid apportioned to these systems.*

Apportionment
to federal aid
primary
system.

“(2) *Apportionment of state construction moneys to the federal aid primary highway system.*

“At the start of the fiscal year beginning July 1, 1953 and at the beginning of each fiscal year thereafter, the state highway commission shall compute from its records the percentage of incompleted mileage of the federal aid primary highway system within each of said districts which each district respectively bears to the total incompleted mileage of said federal aid primary highway system within this state at that time, and the actual respective percentages of incompleted mileage in each district as so computed and determined at the beginning of each fiscal year shall be used in apportioning construction moneys for that year to each of the said financial districts from the state highway fund as defined and provided by section 84-1816. As a basis for the determination of the amount of incompleted mileage of said federal aid primary highway system in this state for each fiscal year, the state highway commission shall adopt as the criterion the current definition, as prescribed by the bureau of public roads, for a fully and adequately completed federal highway in this state. This criterion shall be considered as a one hundred per cent (100 %) completed federal highway; and federal highway mileage which is only partially completed under the application of this criterion, shall be considered as only partially completed on a percentage basis, this to be determined from the relative estimated percentage costs of construction already performed and of additional construction which must be performed to bring said mileage up to the standard of said criterion.

“(3) *Apportionment of state construction moneys to the federal aid secondary highway system.*

Apportionment
to federal aid
secondary
system.

“At the start of the fiscal year beginning July 1, 1953, and at the beginning of each fiscal year thereafter, state construction moneys for the federal aid secondary highway system shall be apportioned to each of the financial districts as defined in section 84-1815 on a percentage basis as determined in the following manner: One-fourth ($\frac{1}{4}$) in the ratio of land area in each financial district to the total land area in the state; one-fourth ($\frac{1}{4}$) in the ratio of the rural population in each financial district to the total rural population in the state; and one-fourth ($\frac{1}{4}$) in the ratio of the rural road mileage in each financial district to the total rural road mileage in the state; one-fourth ($\frac{1}{4}$) in the ratio of value of rural lands in each financial

district to the total value of rural land in the state. Said moneys to be further apportioned to the counties within each financial district in the same ratio of land area, rural population and rural road mileage; and value of rural lands, provided, that to the extent necessary to permit orderly programming and construction of projects, expenditure of construction money in any county may exceed the amount apportioned to that county with the provision that such excess expenditure shall not exceed three (3) times the amount of the last annual apportionment to that county and that any excess expenditure shall be deducted from future apportionments to that county.

Rural
population
defined.

“For the purposes of this section, rural population is defined as total population less the population in cities over five thousand (5,000) persons and their unincorporated fringe urban areas as reported in the federal census. Decennial census figures for population shall be adjusted during the interim between censuses in accordance with the percentage of change occurring in annual motor vehicle registration figures for each county.

Rural road
mileage
defined.

“For the purpose of this section, rural road mileage is defined as all road mileage outside incorporated cities, exclusive of road mileage on the federal aid rural primary highway system. Rural road mileage figures reported by the road inventory of the state highway commission shall be used in determining rural road mileage as defined in this section.

Apportionment
to federal aid
urban system.

“(4) Apportionment of state construction moneys to the federal aid urban highway system.

“At the start of the fiscal year beginning July 1, 1953, and at the beginning of each fiscal year thereafter, state construction moneys for the federal aid urban highway system shall be apportioned to the cities in the state over five thousand (5,000) population in the ratio of urban population in each city to the total urban population in the state for all cities over five thousand (5,000) population.

Urban
population
defined.

“For the purpose of this section, urban population is defined as population within the incorporated limits of cities over five thousand (5,000) population and also the population within unincorporated urban fringe areas as delineated and reported in the federal census.

“To the extent necessary to permit orderly programming and construction of projects, expenditures of construction money in any urban city may exceed the amount apportioned to that city with the provision that such excess expenditure shall be deducted from future apportionments to that city.

When apportionment may be exceeded.

“(5) The state highway commission may vary the expenditures made in any financial district under the provisions of this act to the extent of fifteen percent (15%) above the amount of money allocated to such district in any year, provided that the allocation of construction money to such district for the next succeeding fiscal year shall be decreased by an amount equal to such increased expenditures.”

Allowable variation in any financial district.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This act shall be in full force and effect on and after July 1, 1953.

Effective date.

Approved March 9, 1953.

CHAPTER 241

An Act to Amend Section 84-1816 of the Revised Codes of Montana, 1947, Relating to the Use of State Highway Fund on Federal Highway System.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 84-1816 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending clause.

“84-1816. (2396.2) **Use of State Highway Fund on Federal Highway System.** All moneys of the state highway fund, including moneys arising from the license tax upon dealers in gasoline and motor fuels, but excluding moneys being held in such fund for refund or drawback purposes and expense of collection and enforcement, shall be used and expended by the state highway commission in the construction, reconstruction, betterment, maintenance, administration and engineering on the federal highway system of highways in this state selected and designated

Use of state highway fund on federal highway system.

Providing
limitation on
administrative
expense.

Use in accord
with Sec. 84-
1817, R.C.M.,
1947.

Repealing
clause.

Effective
immediately.

under the provisions of the federal aid act, approved July 11, 1916, and the federal highway act approved November 9, 1921, and all amendments thereto, and for the purpose of construction, reconstruction, betterment, maintenance, administration and engineering of highways leading from each county seat in the state to said federal highway system of federal aid roads where such county seat is not on said system, and for the purpose of construction, reconstruction, betterment, maintenance, administration and engineering of such other roads as have been or may be authorized by the laws of Montana. Provided, that the total net costs to the state for administration on the federal aid work contemplated by this act shall not exceed for any fiscal year eight per cent (8%) of the total of state, federal aid and other available funds expended under the supervision of the state highway commission. It shall be the duty of the state highway commission, in expending such money, to carry forward construction from year to year, using the money expended through the matching up of federal aid allotments to Montana upon the said federal highway system of highways in the various parts of the state *in accordance with the provisions of section 84-1817*; provided that nothing in this act shall be construed to conflict with said federal aid highway acts and the rules by which they are administered. The state highway commission is authorized to enter into co-operative agreements with the national park service and the *bureau of public roads* for the purpose of maintaining national park approach roads in Montana."

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1953.

CHAPTER 242

An Act to Except the Montana State Industrial School From the Provisions of Law Relating to Control by Executive Boards of State Education, Charitable and Reformatory Institutions; to Create an Executive Board of the Montana State Industrial School and to Provide for the Method of Its Appointment, Organization, Duties

and Terms of Office of the Members: to Abolish the Office of Chancellor of the University of Montana; to Provide a Method of Appointing Local Executive Board and to Fix Their Terms of Office and Compensation; to Amend Sections 75-302, 75-303, 75-304, 75-306, Relating to Executive Boards for Control of State Educational, Charitable and Reformatory Institutions; to Amend Sections 75-403, 75-406, and 75-408 of the Revised Codes of Montana, 1947, Relating to Units Composing the University of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. **Office of Chancellor Abolished.** That the office of chancellor of the university of Montana, be, and the same hereby is abolished.

Abolishing
office of
chancellor.

Section 2. *That there is hereby created an executive board of the Montana state industrial school consisting of five (5) members who shall be appointed by the governor for terms of four (4) years each. Said board shall organize within thirty (30) days after notification of their appointment by the election of a chairman and secretary and shall have such immediate direction and control, other than financial, of the affairs of the institution as may be conferred upon it by the state board of education, subject always to the supervision and control of said state board.*

Creation of
executive
board of
Montana state
industrial
school,
appointment,
term.

The president of the Montana state industrial school is hereby required to attend meetings of the executive board if and whenever he shall be requested by the board to do so and to furnish to the board such information and reports as the board from time to time may require of him.

Subject to
supervision of
board of
education.

President of
industrial
school to
attend meet-
ings on request.

Section 3. That Section 75-302 of the Revised Codes of Montana, 1947, be, and the same hereby is amended to read as follows:

Amending
clause.

“75-302. (842) **Local Executive Boards — Creation, Residence and Powers.** There shall be an executive board consisting of three (3) members, for each of said institutions named in the preceding section, *excepting the Montana state industrial school*, all of whom shall be appointed by the governor, by and with the advice and consent of the state board of education. The president of such institution *shall not be eligible to appointment as a member of the board.* At least two (2) of said members shall reside

Local execu-
tive boards —
creation,
residence,
powers.

Excepting
industrial
school.

Institution
president
ineligible for
board mem-
bership.

in the county where such institution is located. Said executive board shall have such immediate direction and control, other than financial, of the affairs of such institution as may be conferred on such board by the state board of education, subject always to the supervision and control of said state board, provided this section shall not apply to the executive board for the state vocational school for girls."

Amending
clause.

Section 4. That Section 75-303 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Officers of
local board —
excepting
industrial
school.

"75-303. (843) **Officers—Bond of Treasurer.** The board, *excepting the board of the Montana state industrial school herein provided for*, shall elect a chairman and shall also appoint a secretary who may or may not be a member of said board. The treasurer of said board shall be treasurer of the institution, and such secretary and treasurer shall give bond with good and sufficient surety for the faithful performance of his duties as such, and for the faithful accounting for and paying over to, and for the use of said institution, all moneys received by him as treasurer. Said bond shall run to the State of Montana and shall be in such sum as may be designated by the state board of examiners, and when executed shall be approved by said board of examiners. The duties of the chairmen and secretaries of each of said executive boards shall be those usually performed by such officers, or which may be designated by the state board of education or the state board of examiners."

Bond of
treasurer.

Amending
clause.

Section 5. That Section 75-304 of the Revised Codes of Montana, 1947, be, and the same hereby is amended to read as follows:

Terms of
local board
members.

"75-304. (844) **Term of Office.** The *three (3)* members appointed by the governor shall, *except as herein otherwise provided*, hold office for the term of *three (3)* years from and after the third Monday in April of the year appointed, unless sooner removed by the governor or by the state board of education; *providing that the appointments shall be so made that the term of office of one member shall expire each year.* Such members shall qualify by making and filing their oath of office with the state board of education."

One term to
expire each
year.

Section 6. That Section 75-306 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending
clause.

“75-306. (846) **Compensation of Members.** The members of each of the executive boards shall receive such compensation for their services as shall be fixed by the state board of education, not exceeding the sum of five dollars (\$5.00) for each day actually spent in the discharge of their official duties, and not exceeding the sum of one hundred and twenty-five dollars (\$125.00) in any one (1) year for each member, and such members shall also be reimbursed from the amount appropriated by the legislature for the maintenance and support of such institutions, all expenses necessarily incurred by them in discharge of their official duties as members of said boards.”

Compensation
of members.

Annual
limitation.

Reimbursed
expenses.

Section 7. That Section 75-403 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending
clause.

“75-403. (853) **Control Vested in State Board of Education — Appointment of Employees and Faculty.** The control and supervision of the university of Montana, as hereinbefore constituted, are vested in the state board of education, which must appoint a president and faculty for each of the various state institutions constituting the university of Montana, and such other officers, agents, and employees for said university of Montana and for its component state institutions as the state board may deem necessary. The board shall also prescribe the powers and duties of the president, faculty, officers, agents and employees of said institutions composing said university of Montana, and shall also establish for the government of the university of Montana and for its component institutions, and for the instruction given therein, such rules and regulations, not inconsistent with the laws of the state, as may be necessary for the proper government and control of the university of Montana and its said component institutions.”

Control of
university
vested in
state board
of education.

Appointment
of employees,
faculty,
officers.

Prescribe
powers.

Establish
rules and
regulations.

Section 8. That Section 75-406, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending
clause.

“75-406. (856) **Seal of University — Signing and Attestation of Diplomas and Degrees.** The state board of

Board to
adopt seal of
university.

education shall adopt and cause to be prepared a seal for the university of Montana constituted as herein prescribed, which seal shall contain on the face thereof the words 'university of Montana', which words shall be arranged on said seal as the state board of education may prescribe. Said seal shall remain in the custody of the secretary of the state board of education, and the same shall be affixed to all diplomas, and all other papers, instruments, and documents executed by the said university of Montana, which from their character or nature may require a seal."

Seal to be affixed to diplomas and appropriate papers.

Amending clause.

Section 9. That Section 75-408, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Powers and duties of presidents of institutions.

"75-408. (858) **Powers and Duties of Presidents of Several Institutions.** The presidents of each of the educational institutions constituting the university of Montana, as herein prescribed, in connection with their respective executive boards of the several institutions, as now prescribed by law, shall have the immediate direction, management, and control of their respective institutions, subject to the general supervision, direction and control of the state board of education. The president of a unit of the university of Montana shall not act as the executive *secretary* of the university system."

President ineligible to act as secretary to university system.

Approved March 9, 1953.

CHAPTER 243

An Act to Repeal Sections 66-1201 Through 66-1220, Inclusive, Revised Codes of Montana, 1947, and to Enact, in Lieu Thereof, and Hereby, a New and Revised Nursing Practice Act to be Cited as the Montana Nursing Practice Act, to Regulate the Practice of Nursing by Professional Nurses, and the Practice of Nursing by Practical Nurses; to Establish the Montana State Board of Nursing With Dual Functions, Powers and Duties (a) in the Field of Professional Nursing and (b) in the Field of Practical Nursing, and to Provide Separate Administrations by a Board of Five (5) Members in the Field of Professional Nursing and by a Board of Eight (8) Members in the Field of Practical Nursing, Under Board Administrations Separate and Exclusive

for Each Classification of Nursing; to Define the Powers and Duties of Such Board as Respects Each Separate Administration; to Endow Such Board With Power to Make Rules and Regulations, Appropriate to Both the Professional Nursing Administration and the Practical Nursing Administration, Within the Limits of the Subject Matter of This Act; to Provide for Licensing of Each Class of Nurses, After Examination or by Endorsement Without Examination; to Fix the Qualifications of Applicants for Licenses in Each Field, and to Authorize the Use of Appropriate Titles and Abbreviations of Titles for Each Class of Nurses; to Provide for Renewal of Licenses; to Invest the Board With Designated Disciplinary Powers to be Exercised Subject to Due Process of Law; to Provide for the Exemption of Certain Persons From the Operation of the Act Under Designated Circumstances; to Fix Penalties for Violations of the Act; to Provide for Judicial Review of the Acts of the Governor and of the Board in Connection With the Operation and Administration of This Act; and to Provide for the Orderly Transition of Business From the Existing Montana State Board of Nurse Examiners, and for Coordination With the Preceding Board in the Transfer of Records and Funds to the Board Created by This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. **Purpose.** In order to safeguard life and health (a) any person practicing or offering to practice professional nursing in this state for compensation or personal gain, shall be required to submit evidence that he or she is qualified so to practice, and shall be licensed as hereinafter provided; and,

Purpose stated.

In order to safeguard life and health (b) any person practicing or offering to practice practical nursing in this state as a certified or licensed practical nurse, shall be required to submit evidence that he or she is qualified so to practice, and shall be licensed as hereinafter provided.

After January 1, 1954, it shall be unlawful for any person to use any title, abbreviation, sign, card, or device to indicate that such person is (a) a registered or professional nurse (b) a certified or licensed practical nurse

unless such person has been duly licensed under the provisions of this act, and the license of such person shall be valid and in force in compliance with the provisions of this act.

Section 2. Citation of Act — Definition of Board — Identification of Board When Administering Act for Professional Nursing and for Practical Nursing — Definition of Terms. This act may be cited as the Montana nursing practice act.

How act cited.

The use of the feminine gender shall include the masculine gender and vice versa.

Definition of "board."

"Professional nursing."

"Practical nursing."

As used in this act the term or word "board" means the Montana state board of nursing created by this act, with dual functions (a) in the field of professional nursing and (b) in the field of practical nursing, and irrespective of the number or members of the board when functioning in either of said fields. In all matters relating to "professional nursing" the board shall consist of five (5) members to be qualified and appointed as hereinafter provided. In all matters relating to "practical nursing" the board shall consist of eight (8) members, five (5) of whom shall be identical with the five (5) member board, and the remaining three (3) members to be qualified and appointed as hereinafter provided. The board of five (5) members may for convenience be referred to as the Montana state board of nursing followed by the words "professional nursing administration," and the board of eight (8) members may, for convenience, be referred to as the Montana state board of nursing, followed by the words "practical nursing administration."

The practice of nursing embraces two classes of nursing service and activity, defined, respectively, as follows:

Defining "professional nursing."

(1) A person practices professional nursing who for compensation or personal gain, performs any professional nursing services requiring the application of principles of the biological, physical or social sciences and nursing skills in the care of the sick, in the prevention of disease or in the conservation of health.

Defining "practical nursing."

(2) A person practices practical nursing who for compensation or personal gain cares for selected convalescent, subacutely and chronically ill patients, and who as-

sists the professional nurse in a team relationship, especially in the care of those more acutely ill. She provides nursing service in institutions, and in private homes where she is prepared to give household assistance when necessary. She may be employed by a private individual, a hospital or a health agency. The practical nurse works under the direct supervision of a registered nurse where such supervision is possible and obtainable, and similarly, under the direct supervision of a physician.

Section 3. Creation of the Montana State Board of Nursing — Dual Functions — Addition of Practical Nurses to Membership of Board When Functioning in Field of Practical Nursing — Appointment — Term of Office — Removal of Members From Office — Seal — Board Records Public — Legal Counsel. There is hereby created a licensing, administrative and supervisory board to function in the field of professional nursing and, also, in the field of practical nursing, which board shall be known as the Montana state board of nursing, subject to the further identification for each administrative field as in section 2 above-provided. The governor shall appoint a board consisting of five (5) registered professional nurses, which shall be and constitute the Montana state board of nursing — professional nursing administration. The said board, together with three (3) practical nurses who shall be appointed by the governor from the field of practical nursing as herein provided, shall constitute the Montana state board of nursing — practical nursing administration. The term of appointment as a member of the board, whether exercising functions in the field of professional nursing (five-member board), or in the field of practical nursing (eight-member board), shall be five (5) years, and no person shall be appointed for more than two (2) consecutive terms. Any appointment to fill any vacancy shall be for the unexpired portion of the term. Within thirty days after this act becomes effective the governor shall appoint five (5) registered professional nurses, who shall constitute the Montana state board of nursing — professional nursing administration. One of the five original appointments of registered professional nurses shall be for five (5) years, one shall be for four (4) years, one shall be for three (3) years, one shall be for two (2) years, and one shall be for one (1) year. Within

Creation of
Montana state
board of
nursing.

Appointment,
membership.

Term.

Appointment
professional
nursing
administration.

Appointment
practical
nursing
administration.

thirty days after this act becomes effective the governor shall appoint three (3) practical nurse members to the board of practical nursing administration. One of the three original appointments of practical nurses shall be for five (5) years, one shall be for three (3) years, and one shall be for one (1) year.

Removal,
notice and
hearing.

The governor may remove any member from the board, however constituted, for neglect of any duty required by law or for incompetency or unprofessional or dishonorable conduct, but none of the powers above-enumerated shall be exercised unless the member shall have been first served with verified charges in writing, such charges heard at public hearing before the board under its appropriate administration, whereat the person charged may be represented by counsel, on not less than twenty (20) days' notice of such hearing; the decision of the board shall be stated in writing and filed with the secretary, and a true, signed copy thereof served upon the person charged. The decision of the board shall be subject to judicial review both on the facts and the law, by writ of review (certiorari) in the appropriate district court on the whole record in the matter including the record before the board and the governor.

Judicial
review.

Official seal.

The board shall have a seal which shall be used to authenticate its acts as said board, under each administration. The seal shall have inscribed thereon the words "Montana state board of nursing" — "official seal" and such device or legend as may be designated by the board.

Board's records
public.

The records and files of the board shall at all times be open to public inspection.

Legal counsel.

The attorney general of the State of Montana shall be, ex officio, the duly authorized attorney and legal counsel for the board; but the board may, with the approval of the attorney general, appoint additional legal counsel to assist it in the administration and enforcement of the within act, as may be necessary or advisable.

Qualifications.

Section 4. Qualifications of Members of Board in the Respective Administrations of Professional and Practical Nursing. Each professional nurse member of the board shall:

- (1) Be a citizen of the United States;
- (2) Be a resident of this state for at least one (1) year prior to appointment;
- (3) Have graduated from an approved school of nursing;
- (4) Be licensed as a registered nurse in this state;
- (5) Have had at least five (5) years' experience in nursing following graduation. At least three (3) members shall have had at least three (3) years in administrative, teaching, or supervisory experience in schools of nursing;
- (6) Have been actively engaged in nursing for at least three (3) years immediately prior to appointment or re-appointment;

Professional
nurse
members.

Each practical nurse member of the board shall:

- (1) Be a citizen of the United States;
- (2) Be a resident of this state for at least one (1) year prior to appointment;
- (3) After July 1, 1957, shall be a graduate of a school of practical nursing;
- (4) Be licensed as a practical nurse in this state;
- (5) Have had at least three (3) years' experience as a practical nurse and have been actively engaged in the practice of practical nursing for at least two (2) years immediately prior to appointment or reappointment;

Practical nurse
members.

Each original appointee for the practical nursing administration shall meet all the qualifications necessary for appointment, with the exception of being licensed as a practical nurse in this state and graduation from a school of practical nursing.

Exception
original
practical nurse
appointees.

Each member of the board, however constituted, shall subscribe and file with the secretary of state the constitutional oath of office before beginning the term of office.

Oath.

Section 5. Organization — Duties and Powers — Separation of Records Responsive to Functions of Board — Dual Administrations to Be Exclusive of Each Other. The Montana state board of nursing, inclusive of the practical nursing administration, shall meet annually in the

Organization.

Meetings.

Professional
nurse
meetings.

Separate
minutes and
record for each
administration.

Separate
rules and
regulations.

Powers
and duties.

month of July in each year and shall elect from among the eight (8) members a president and a secretary, each of whom shall be a professional nurse, and such board shall also appoint and employ an executive secretary, qualified as hereinafter provided, who shall not be a member of the board. The Montana state board of nursing, inclusive of the practical nursing administration, shall hold such other meetings during the year as may be deemed necessary to transact its business. The Montana state board of nursing — professional nursing administration, shall meet annually in July of each year, and shall hold such other meetings during the year as may be deemed necessary to transact its business. A majority of the board, as separately constituted for each administration, including in such majority at least one officer of the board, shall constitute a quorum at any meeting, provided that when sitting as the practical nursing administration, a quorum shall consist of a minimum of two (2) practical nurse members and three (3) professional nurse members, including one board officer. The Montana state board of nursing, convened and acting from time to time under its separate administrations, shall keep separate and complete minutes and records of the respective administration meetings and of the rules, regulations and orders promulgated by each administration, and each administration shall exercise its functions and powers and carry out its duties exclusive of the other, except for the identity and membership as in this act provided.

The board under each administration is authorized to adopt, and from time to time revise such rules and regulations, not inconsistent with law, and within the subject matter delegated to each administration by this act, as may be necessary to enable the respective administrations to carry into effect the provisions of this act, as delegated to each. The board under each nursing administration shall prescribe such curricula and standards for schools and courses preparing persons for registration and licensure under this act. It shall provide for surveys of such schools and courses at such times as it may deem necessary. It shall approve such schools and courses as meet the requirements of this act and of the board. It shall evaluate and approve courses for affiliation of student nurses. Under each administration the board shall

examine, license and renew licenses of duly qualified applicants. It shall conduct hearings upon charges calling for discipline of a licensee or revocation of license or removal of schools of nursing from the approved list. It shall have power to issue subpoenas, and compel the attendance of witnesses, and administer oaths to persons giving testimony at hearings. It shall cause the prosecution of all persons violating this act and have power to incur necessary expenses therefor.

The board under each administration shall have power to adopt and publish such forms for use by applicants and others, including license, certificate and identity forms, and other appropriate forms and publications as may be convenient for the proper administration of this act, and shall have the power to fix reasonable fees for incidental services, all within the subject matter delegated to each administration by this act. All such forms shall make clear reference to the administration for which the form is intended.

Forms.

The board, inclusive of the practical nursing administration, shall appoint and employ one qualified person to serve as executive secretary to the board, including the practical nursing administration, and it shall fix the compensation and define the duties of such employment. It may employ such other persons as may be necessary to carry on the work of the board, under each administration.

One executive secretary.

The executive secretary to be appointed shall be a citizen of the United States, a graduate of an approved school of nursing and of a college or university. She shall be a registered nurse with at least five (5) years' experience in teaching or administration, or both, in a school of nursing approved by the board.

Qualifications of executive secretary.

Except as otherwise required by the content of the language used, the powers and duties enumerated in this act shall be exercised and performed by the Montana state board of nursing — professional nursing administration, in all matters relating to professional nurses or professional nursing education, and shall be exercised and performed by the said board inclusive of the practical nursing administration in all matters relating to practical nurses and practical nursing education. The officers, appointees and employees of the Montana state board of nursing shall also

Dual administrations exclusive of each other.

be the officers, appointees and employees of the board inclusive of the practical nursing administration.

Compensation,
reimbursement
for expenses.

Section 6. Reimbursement for Expenses — Compensation. Each member of the Montana state board of nursing, however constituted, shall be paid hotel, travel and other necessary expenses, and shall be paid, in addition, fifteen dollars (\$15.00) per day for each day actually engaged in the discharge of duties under this act, including all the time spent in actual attendance at any meeting of the board, however constituted, and in direct travel to and from such meetings, and a reasonable number of days for the preparation and administration of examinations.

License
qualifications,
professional
nursing.

Section 7. Qualifications of Applicants for License to Practice Professional Nursing. An applicant for a license to practice as a registered professional nurse shall submit to the board, acting under the professional nursing administration, written evidence, verified by oath, that said applicant:

(1) Has successfully completed at least an approved four year high school course of study or the equivalent thereof as determined by the department of public instruction;

(2) Has completed the basic professional curriculum in an approved school of nursing and holds a diploma therefrom;

(3) Shall meet such other qualification requirements as the board may prescribe.

Section 8. License — by Examination — by Endorsement Without Examination — License Fees.

License by
examination.

(1) By examination. The applicant for license to practice professional nursing shall be required to pass a written examination in such subjects as the board, acting under the professional nursing administration, may determine. Each written examination may be supplemented by an oral or practical examination. Upon successfully passing such examination, the board shall issue to the applicant a license to practice nursing as a registered professional nurse. The applicant shall pay a fee of twenty-five (\$25.00) dollars at the time the application is submitted, which fee shall be returned to the applicant, if the application is

withdrawn not later than five (5) days prior to the date of examination, or, if the examination is not taken, subject to deduction by the board of one dollar (\$1.00) per subject of the examination which shall be retained by the board.

(2) By endorsement without examination. (a) The board, acting under the professional nursing administration, may issue a license to practice nursing as a registered professional nurse without examination, to an applicant who has been duly licensed as a registered professional nurse under the laws of another state, territory or country, if in the opinion of the board the applicant meets the qualifications required of registered nurses in this state at the time the applicant graduated from a school of nursing. The applicant shall pay a fee of twenty dollars (\$20.00) at the time the application is submitted, which fee shall be returned to the applicant if the application is withdrawn not later than five (5) days prior to final submission of the application to the board, subject to deduction of five dollars (\$5.00), to be retained by the board.

License by
endorsement
without
examination.

Fee.

(b) An applicant may, pending application for a professional nursing license pursuant to paragraph (a) immediately preceding practice professional nursing as an employee of a physician in her capacity as professional nurse or in a hospital or public health agency for a period not longer than six (6) months from the date the board acknowledges receiving from such nurse a duly completed statement, on a form provided by the board, of intention so to practice. Such statement shall consist of (1) an affidavit by such nurse and (2) an affidavit by the physician employer or by the administrator, assistant administrator, or director of nursing of a hospital or public health agency where such nurse intends to practice professional nursing. The affidavit of such nurse and the affidavit of such physician employer or administrator, assistant administrator or director of nursing of such hospital or public health agency shall contain the information deemed by the board to be necessary for such statement. This paragraph shall not be construed to permit such nurse to practice for more than said six (6) months period, or, in any event, after being notified by the board that application for a license has been denied, or, in all cases, after being notified by the board to cease and desist such

Certain
practice prior
to license by
applicant.

practice; notice in all cases shall be given by registered mail to the address of applicant as the same appears in the statement of applicant.

Title and
abbreviation —
registered
nurse.

Section 9. Title and Abbreviation of Registered Nurse. Any person who holds a valid license to practice as a registered professional nurse in this state shall have the right to use the title "registered nurse" and the abbreviation "R. N."

"Grandfather"
clause.

Section 10. Nurses Registered Under Previous Law Deemed Licensed Hereunder. Any person holding a valid Montana license or certificate to practice nursing as a registered nurse under previous Montana law shall be deemed licensed as a registered nurse under the within act, for the unexpired portion of the license period appearing on such prior license, subject to payment of fees, and renewal fees, to effect renewal and continue such license valid and operative, under the provisions of the within act.

Qualifications
practical nurse.

Section 11. Qualifications of Applicants for Licensed Practical Nurse. An applicant for a license to practice as a licensed practical nurse shall submit to the board acting under the practical nursing administration written evidence, verified by oath, that the applicant:

(1) Has completed at least two (2) years of high school, or its equivalent, and such other preliminary qualification requirements as the practical nursing administration may prescribe;

(2) Has successfully completed the prescribed curriculum in an approved school of practical nursing and holds a diploma or certificate therefrom, provided that any person who has completed the prescribed course in any recognized school for practical nursing within the State of Montana prior to the effective date of this act, shall be considered to have met this requirement;

(3) Shall meet such other qualification requirements as the board, acting under the practical nursing administration, may prescribe.

License by
examination.

Section 12. License of Practical Nurse by Examination — by Endorsement Without Examination.

(1) By examination. The applicant for license to practice as a practical nurse shall be required to pass a written

examination in such subjects as the board, acting under the practical nursing administration, may determine. Each written examination may be supplemented by an oral or practical examination. Upon successfully passing such examination the Montana state board of nursing — practical nursing administration, shall issue to the applicant a license to practice as a licensed practical nurse.

(2) By endorsement — without examination. The Montana state board of nursing — practical nursing administration, may issue a license to practice as a licensed practical nurse without examination to any applicant who has been duly licensed or registered as a licensed practical nurse or person entitled to perform like services under a different title under the laws of another state, territory or country, if in the opinion of the practical nursing administration the applicant meets the requirements for practical nurses in this state.

License by
endorsement
without
examination.

Section 13. **Waiver of Certain Requirements for Licensing Practical Nurses Before July 1, 1955.** All applications for license under this waiver section of the within act must be made and delivered to the board before July 1, 1955.

Waiver of
requirements
for license
prior to July 1,
1955.

The Montana state board of nursing, practical nursing administration, may issue a license to practice as a licensed practical nurse to any person who shall submit written evidence, verified by oath, that said applicant:

Requirements
for special
applicants.

- (1) Is at least twenty (20) years of age;
- (2) Is of good moral character;
- (3) Is in good health;
- (4) Has lived in and cared for the sick in this state for two out of the three years immediately prior to July 1, 1953.

The application must be endorsed by written statements verified by oath of (a) two doctors of medicine licensed in Montana, or (b) a doctor of medicine licensed in Montana and a registered professional nurse director of nursing of any licensed hospital within the State of Montana, which endorsers must have personal knowledge of the applicant's qualifications.

Written examination.	The applicant shall be required to pass a written examination in such subjects as the board — practical nursing administration, may determine. Each examination may be supplemented by an oral or practical examination.
Fee.	Section 14. Fee. The applicant applying for a license to practice as a licensed practical nurse shall pay a fee of fifteen dollars (\$15.00) to the board at the time the application is submitted, which fee shall be returned to the applicant if the application is withdrawn not later than five (5) days prior to date of examination or the final submission to the board of application for endorsement without examination, subject to a deduction of five dollars (\$5.00) to be retained by the board.
Title and abbreviation, licensed practical nurse.	Section 15. Title and Abbreviation of Licensed Practical Nurse. Any person who holds a valid license to practice as a licensed practical nurse in this state shall have the right to use the title "licensed practical nurse" and the abbreviation "L. P. N."
License renewal.	Section 16. Renewal of License. The license of every person licensed under the provisions of the act, either as a registered nurse, or a licensed practical nurse, must be annually renewed, except as hereinafter provided. On or before December first of each year, the board shall mail an application form for renewal of license to every person to whom a license was issued or renewed during such year. The applicant shall carefully complete and subscribe the application form and return it to the board with a renewal fee of two dollars (\$2.00) before January first, next. Upon receipt of the application and fee the board shall verify the accuracy of the application against its record, and from such other sources as it deems reliable, and issue to the applicant a certificate of renewal for the current year beginning January first and expiring December thirty-first, following. Such certificate of renewal shall render the holder thereof a legal practitioner of nursing for the period stated in the certificate of renewal.
Lapsed licenses.	Any licensee who allows her license to lapse by failing to renew the license as provided above may be reinstated by the board upon satisfactory explanation for such a failure to renew license and on payment of the current renewal fee prescribed by the board.

Any person practicing nursing during any time following the date her license has expired by lapse of time shall be considered an illegal practitioner and shall be subject to the penalties provided for violations of this act.

Practice during lapse illegal.

Section 17. **Fund — Administration and Use — Transfer of Funds From Montana State Board of Nurse Examiners.** There is hereby created the fund of the Montana state board of nursing. The state treasurer of the State of Montana shall be custodian of said fund and shall keep full, detailed account of all receipts, accruals and disbursements of the same. Disbursements from the fund shall be effected by warrants drawn by the state auditor on the fund, pursuant to claims authorized and approved by (a) the Montana state board of nursing, and (b) approved by the Montana state board of examiners. All fees received by the Montana state board of nursing, and all fines collected under this act shall be paid over by the executive secretary to the state treasurer for the credit of said fund, as required by law.

Fund created.

Custody and administration of fund.

All amounts paid into this fund shall be held subject to the order of the Montana state board of nursing to be used for the purposes of meeting necessary expenses incurred in the administration of this act, and the performance of the multiple functions of the board under each administration.

All funds which may have accumulated to the credit of the Montana state board of nurse examiners under chapter 12, title "nursing", Section 66-1201 through 66-1220, Revised Codes of Montana, 1947, shall, at the effective date of this act be transferred by the state treasurer to the credit of the Montana state board of nursing created by the within act, and shall be available and expendable for the multiple functions of said board and expended by the board in the administration of this act.

Transfer of board of nurse examiners fund to state board of nursing fund.

Section 18. **Schools of Nursing — Application for Approval.** An institution desiring to conduct a school of professional or practical nursing shall apply to the board under the appropriate administration, and submit evidence that:

Schools of nursing.

Qualifications.

(1) It is prepared to carry out the prescribed basic professional nursing curriculum or the prescribed curriculum for practical nursing, as the case may be;

(2) It is prepared to meet other standards established by this law and by the Montana state board of nursing.

Survey and
approval of
nursing
schools.

Section 19. **Survey and Approval.** A survey of the institution or institutions with which the school is to be affiliated shall be made by the executive secretary or other authorized employee of the board, who shall submit a detailed written report of the survey to the board. If, in the opinion of the board, the requirements for an approved school of nursing (professional or practical) are met, it shall approve the school as an approved school of nursing.

Removal from
approved list
— procedure.

When the board determines that any approved school of nursing is not maintaining the standards required by the statutes and by the board, notice thereof in writing specifying the defect or defects shall be immediately given to the school. A school which fails to correct these conditions to the satisfaction of the board within a reasonable time shall be removed from the list of approved schools of nursing.

Revocation or
suspension
of license.

Section 20. **Grounds for Discipline.** The board, acting under the appropriate administration, shall have power to deny any license applied for, or to revoke or suspend any license to practice nursing issued by the board, or to discipline a licensee upon proof that the person:

Grounds.

(1) Is guilty of fraud or deceit in procuring or attempting to procure a license to practice nursing;

(2) Is guilty of a crime or gross immorality;

(3) Is unfit or incompetent by reason of negligence, habit or other causes;

(4) Is habitually intemperate or is addicted to the use of habit-forming drugs;

(5) Is mentally or physically incompetent;

(6) Is guilty of unprofessional conduct;

Procedure.

(7) Has wilfully or repeatedly violated any of the provisions of this act; but only after compliance with the provisions of section 21 of this act, with respect to written, verified complaint, notice of hearing, and personal service of complaint and notice on the person charged, and public hearing before the proper board.

Section 21. **Disciplinary Proceedings.** Upon filing of a sworn complaint, in writing, with the board, charging a person with violation of any one or more of the provisions specified in the preceding section as a ground for disciplinary action, the executive secretary of the board shall fix a time and place for a public hearing before the board to be convened in membership as the five-member board for professional nurses, or as the eight-member board for practical nurses, dependent upon the professional or practical status of the licensee, nurse or person against whom complaint is made, and shall cause a copy of the charges, together with a notice of the time and place, fixed for the hearing, to be served on the person charged at least twenty (20) days prior thereto.

Disciplinary
proceedings.

The attendance of witnesses and the production of books, papers and documents at the hearing may be compelled by subpoenas issued by the board on its own motion, or at the request of the complainant or the person charged (accused), which shall be served in accordance with law. At the hearing any member of the board, or its executive secretary, shall administer oaths as may be necessary for the proper conduct of the hearing.

At the hearing the person charged shall have the right to appear either personally or by counsel, or both, to produce witnesses and evidence on his or her own behalf, to cross-examine witnesses and to have subpoenas issued by the board. If the person charged is found guilty of the charges the board may refuse to issue a license to the applicant or may revoke or suspend a license, issued to a licensee. The decision of the board shall be in writing, set out the charges, summarize the evidence and contain the findings of fact and the decision and order of the board. In all cases where the person charged is a practical nurse, the board shall sit as the practical nursing administration. The evidence shall be examined and weighed by application of the rules of evidence in civil actions.

A revoked or suspended license may be reissued after one year, in the discretion of the board.

Any decision of the board under this section shall be subject to judicial review upon the whole record before the board, on both the fact and the law, by writ of review (certiorari).

Appeal.

Exemption
of certain
persons from
act — when
and under
what
circumstances.

Section 22. Exemption of Persons From Act — When and Under What Circumstances. No provisions of this law shall be construed as prohibiting gratuitous nursing by friends or members of the family, or as prohibiting the incidental care of the sick by domestic servants or persons primarily employed as housekeepers; or as prohibiting nursing assistance in the case of an emergency; nor shall it be construed as prohibiting the practice of nursing by students enrolled in approved schools of nursing or approved courses; nor by the graduates of such schools or courses pending the results of the first licensing examination scheduled by the board following such graduation; nor shall it be construed as prohibiting the practice of nursing in this state by any legally qualified nurse of another state whose engagement requires her to accompany and care for a patient temporarily residing in this state during the period of one such engagement, not to exceed six (6) months in length, provided such person does not represent or hold herself to be a nurse licensed to practice in this state; nor shall it be construed as prohibiting the practice of any legally qualified nurse of another state who is employed by the United States government or any bureau, division or agency thereof, while in the discharge of her official duties.

Religious
practice.

Nothing in this act shall be construed as prohibiting nursing or care of the sick, with or without compensation, when done in connection with the practice of the religious tenets of any well-established religion or denomination by adherents thereof; nor shall this act prohibit the practice of practical nursing for hire or otherwise by any person, provided that such person shall not use in connection with her name any designation tending to imply that she is a licensed practical nurse unless then duly licensed so to practice under this act.

This act shall not be construed as conferring any authority to practice (a) medicine or (b) surgery, or (c) any combination thereof, or (d) to confer any authority to practice any of the healing arts prescribed by law to be practiced in the State of Montana, nor (e) to permit any person to undertake the treatment of disease by any of the methods employed in such arts, unless the licensee shall have qualified under the applicable law or laws licensing

the practice of such profession(s) or healing art(s) in the State of Montana.

Section 23. **Violation of Act — Penalties.** It shall be a misdemeanor for any person (including any corporation, association or individual) to:

Violation
of act.

(1) Sell or fraudulently obtain or furnish any nursing diploma, license or record or aid or abet therein;

(2) Practice nursing as defined by this act under cover of any diploma, license or record illegally or fraudulently obtained or signed or issued unlawfully or under fraudulent representation;

(3) Practice professional nursing as defined by this act unless duly licensed to do so under the provisions of this act;

(4) Use in connection with her name any designation tending to imply that she is a registered professional nurse or a licensed practical nurse unless duly licensed so to practice under provisions of this act;

(5) Practice nursing during the time her license issued under the provisions of this act shall be suspended, revoked or on inactive status;

(6) Conduct a school of nursing or a course unless the school or course has been approved by the board;

(7) Otherwise violate any provisions of this act.

Such misdemeanor shall be punishable by a fine of not less than one hundred dollars (\$100.00) for the first offense. Each subsequent offense shall be punishable by a fine of three hundred dollars (\$300.00), or by imprisonment of not more than six (6) months in the county jail, or by both such fine and imprisonment.

Penalties.

The several district courts within their respective county jurisdictions are hereby empowered to hear, try and determine such misdemeanor and to impose in full the punishment and fines herein prescribed. It shall be necessary to prove, in any prosecution for misdemeanor under this section, only a single act prohibited by law, or a single holding out, or an attempt without proving a general course of conduct in order to constitute a violation.

District court
jurisdiction.

Board may
enjoin
violations.

Section 24. **Injunctions.** When it appears to the board that any person is violating any of the provisions of this act, the board may, in its own name, bring an action in a court of competent jurisdiction for an injunction against such violation, and the proper courts of this state may enjoin any person, firm or corporation from violation of this act without regard to whether proceedings have been or may be instituted before the board, or whether criminal proceedings have been or may be instituted.

Severability.

Section 25. **Severability.** If any provision of this act or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of the act are declared to be severable.

Transfer of
records and
funds of pre-
vious board.

Section 26. **Coordination With Preceding Board — Transfer of Records and Funds to Board Created by the Within Act.** The board created hereby shall succeed to and receive from the board functioning prior to the passage of the within act all its records, books, papers, accounts, monies and unfinished business and shall complete the business of said predecessor board in accordance with the provisions of this act. Said predecessor board shall deliver to the board created hereby all of said records and funds on July first, 1953, whereupon the existing Montana state board of nurse examiners and all authority vested by law in such existing board shall wholly cease and terminate.

Repealing
clause.

Section 27. **Repealing Clause.** Sections 66-1201 to 66-1220, inclusive, of the Revised Codes of Montana, 1947, and all acts and parts of acts in conflict herewith are hereby repealed, effective at noon meridian on July 1, 1953.

Effective
date.

Section 28. **Effective Date of Act.** This act shall be in full force and effect from and after noon meridian on July 1, 1953.

Approved March 8, 1953.

CHAPTER 244

An Act to Amend Section 3 of Chapter 199 of the Session Laws of Montana, 1949, Relating to the Foundation Pro-

gram Schedules for Elementary Schools and High Schools and the Relationship Thereof to the Distribution and Apportionment of the Moneys Coming Into the State Public School Equalization Fund, for the School Years Beginning July 1, 1953 and Ending June 30, 1954, and Beginning July 1, 1954 and Ending June 30, 1955.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 3 of chapter 199 of the session laws of Montana, 1949, be, and the same is hereby amended to read as follows:

“Section 3. **Foundation Program.** *During the school years beginning July 1, 1953, and ending June 30, 1954, and beginning July 1, 1954, and ending June 30, 1955, the moneys coming into said state public school equalization fund shall be distributed and apportioned to provide an annual minimum operating revenue for the elementary and high schools in each county, exclusive of revenues required for debt retirement, the payment of any and all costs and expense incurred in connection with any adult education program, kindergarten, recreation program, school lunch and cafeteria program, new buildings, new grounds, teachers' retirement, tuition and transportation, in accordance with the following schedules:*

Foundation
program,
July 1, '53 to
June 30, '54;
July 1, '54 to
June 30, '55.

Excluding
certain items.

ELEMENTARY SCHOOLS

“(1) For each elementary school having eight (8) or fewer pupils and which, upon the request of the board of trustees of the district, is approved as an isolated school by the county budget board, the district shall receive *two thousand seven hundred dollars (\$2,700.00)*, and if said school is not approved as an isolated school, then it shall receive *seventeen hundred dollars (\$1700.00)*.

Elementary
school
schedule.

“(2) Schools with an ANB in excess of eight (8) but less than eighteen (18) pupils, shall receive *twenty-seven hundred dollars (\$2700.00)*, plus one hundred dollars (\$100) per pupil on the basis of average number belonging over eight (8).

“(3) Schools having an ANB of eighteen (18), but less than thirty-one (31), shall receive a maximum of *thirty-seven hundred dollars (\$3700.00)*, plus *twenty-eight hun-*

dred dollars (\$2800.00), provided two (2) teachers are regularly employed as full time teachers in such school.

“(4) Schools having an ANB in excess of thirty (30) will be guaranteed funds only on the basis of the total pupils (ANB) in the district for elementary pupils as follows:

“For a school having an ANB of more than thirty (30) pupils the maximum of *two hundred sixty-nine dollars (\$269.00)* shall be decreased at the rate of *fifty cents (\$0.50)* for each additional pupil until the total number (ANB) shall have reached a total of one hundred (100) such pupils. For a school having an ANB of more than one hundred (100) pupils, the maximum of *two hundred thirty-four dollars (\$234.00)* shall be decreased at the rate of *twenty-four and one-half cents (\$0.245)* for each additional pupil until the ANB shall have reached three hundred (300) pupils. For a school having an ANB of more than three hundred pupils, the maximum shall not exceed *one hundred eighty-five dollars (\$185.00)* for each pupil; provided that the maximum per pupil for all pupils, ANB, shall figure on the basis of the amount allowed herein on account of the last eligible pupil, ANB, and provided further that all the schools operated within the incorporated limits of a city or town shall be treated as a school unit for the purpose of this schedule.

HIGH SCHOOLS

High school
schedule.

“For a school having an average number belonging (ANB) of *forty (40)* or fewer pupils in a school, the guaranteed budget shall not exceed *four hundred dollars (\$400.00)* for each such pupil. A school having an ANB of less than *twenty (20)* pupils shall not receive any state aid unless it has been accredited by the state board of education and is designated by said board as a school which should receive state aid.

“For a secondary school having an ANB of more than sixty (60) pupils, the maximum of *four hundred dollars (\$400.00)* shall be decreased at the rate of *two dollars and ten cents (\$2.10)* for each additional pupil until the ANB shall have reached a total of one hundred (100) such pupils. For a school having an ANB of more than one hundred (100) pupils, the maximum of *three hundred sixteen dollars (\$316.00)* shall be decreased at the rate of

thirty-eight cents (\$0.38) for each additional pupil until the number ANB shall have reached two hundred (200) pupils. For a school having an ANB of more than two hundred (200) pupils, a maximum of two hundred seventy-eight dollars (\$278.00) shall be decreased at the rate of thirty-three cents (\$0.33) for each additional pupil until the total number, ANB, shall have reached three hundred (300) pupils. For a school having an ANB of more than three hundred (300) pupils, the maximum of two hundred forty-five dollars (\$245.00) shall be decreased at the rate of five cents (\$0.05) for each additional pupil until the total number, ANB, shall have reached six hundred fifty (650) pupils. Schools having an ANB in excess of six hundred fifty (650) pupils shall receive two hundred twenty-seven dollars and fifty cents (\$227.50) per pupil, provided that the maximum per pupil for all pupils, ANB, shall be computed on the basis of the amount allowed herein on account of the last eligible pupil, ANB.

“In computing the amount guaranteed for the foundation program, only junior high schools which have been approved and accredited by the state board of education shall be considered a part of the secondary enrollment. Provided that the permissive levies provided in section 9 and section 14, chapter 199, laws of 1949, as amended by chapter 208, laws of 1951, shall be applicable to and based upon only ninety-three (93) per cent of the foundation program schedules as set forth in section 1 of this act, and that no greater levy to meet approved additions to the foundation program in any final budget may be made hereunder unless the same shall first have been approved by a vote of the taxing electors.”

Certain junior high schools counted.

Limitation on permissive levies.

Section 2. The provisions of this act shall apply to the distribution and apportionment of the state public school equalization fund only in the school years beginning July 1, 1953 and ending June 30, 1954, and beginning July 1, 1954 and ending June 30, 1955, and not to any year or years thereafter, and this act shall cease to have any force or effect after the 30th day of June, 1955. None of the provisions of this act shall be deemed or construed to be in conflict with or to repeal any of the provisions of section 3, chapter 199 of the session laws of Montana of 1949.

Limiting application of act.

Not to repeal Section 3, Chapter 199, Laws of 1949.

Approved March 9, 1953.

CHAPTER 245

An Act to Amend Sections 93-9902, 93-9903, 93-9908 and 93-9911 of the Revised Codes of Montana of 1947, All Relating to the Right of Eminent Domain, and to Enact Other Provisions Relating Thereto, Said Amendments and Additional Enactments Relating to and Providing for the Condemnation of Sands, Strata and Formations in Land for Use as Underground Gas Storage Reservoirs and Other Property for Use in Connection Therewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 93-9902 of the Revised Codes of Montana of 1947 be, and the same is hereby amended to read as follows:

Enumerating
public uses.

“93-9902. **What Are Public Uses.** Subject to the provisions of this chapter, the right of eminent domain may be exercised in behalf of the following public uses:

1. All public uses authorized by the government of the United States.

2. Public buildings and grounds for the use of the state, and all other public uses authorized by the legislative assembly of the state.

3. Public buildings and grounds for the use of any county, city, or town, or school districts; canals, aqueducts, flumes, ditches, or pipes conducting water, heat, or gas for the use of the inhabitants of any county, city, or town; raising the banks of streams, removing obstructions therefrom, and widening, deepening, or straightening their channels; roads, streets, and alleys, and all other public uses for the benefit of any county, city, or town, or the inhabitants thereof, which may be authorized by the legislative assembly; but the mode of apportioning and collecting the costs of such improvements shall be such as may be provided in the statutes or ordinances by which the same may be authorized.

4. Wharves, docks, piers, chutes, booms, ferries, bridges, of all kinds, private roads, plank and turnpike roads, railroads, canals, ditches, flumes, aqueducts, and pipes for public transportation, supplying mines, mills, and smelters for the reduction of ores and farming neighborhoods with

water, and drainage and reclaiming lands, and for floating logs and lumber on streams not navigable, and sites for reservoirs, necessary for collecting and storing water.

5. Roads, tunnels, ditches, flumes, pipes, and dumping places for working mines, mills, or smelters for the reduction of ores; also outlets, natural or otherwise, for the flow, deposit, or conduct of tailings or refuse matter from mines, mills and smelters for the reduction of ores, also an occupancy in common by the owners or the possessors of different mines of any place for the flow, deposit, or conduct of tailings or refuse matter from their several mines, mills, or smelters for reduction of ores, and sites for reservoirs necessary for collecting and storing water.

6. Private roads leading from highways to residences or farms.

7. Telephone or electric light lines.

8. Telegraph lines.

9. Sewerage of any city, county, or town, or any subdivision thereof, whether incorporated or unincorporated, or of any settlement consisting of not less than ten families, or of any public buildings belonging to the state, or to any college or university.

10. Tramway lines.

11. Electric power lines.

12. Logging railways.

13. Temporary logging roads and banking grounds for the transportation of logs and timber products to public streams, lakes, mills, railroads, or highways, for such time as the court or judge may determine; provided, the grounds of state institutions be excepted."

14. *Underground barren reservoirs suitable for storage of natural gas, except that this subsection 14 shall only apply to a sand stratum or formation known to be suitable for use as an underground gas storage reservoir.*

Adding
underground
gas storage
reservoirs.

Section 2. That Section 93-9903 of the Revised Codes of Montana of 1947 be, and the same is hereby amended to read as follows:

Amending
clause.

Estates which
may be
acquired by
condemnation.

“93-9903. **What Estates in Land May Be Acquired by Condemnation.** The following is a classification of the estates and rights in lands subject to be taken for the public use:

Estates.

1. Such estate or rights as may be necessary up to and including a fee simple, when taken for public buildings or grounds, or for permanent buildings, for reservoirs *other than underground reservoirs provided for in subsection 14 of section 1 of this act* or dams and permanent flooding occasioned thereby, or for an outlet for a flow, or a place for the deposit of debris or tailings of a mine.

Excepting
underground
reservoirs
from estates
up to fee
simple.

Easements.

2. An easement, when taken for any other use.

Rights of
entry.

3. The right of entry upon and occupation of land, and the right to take therefrom such earth, gravel, stones, trees, and timber as may be necessary for some public use.”

Amending
clause.

Section 3. That Section 93-9908 of the Revised Codes of Montana of 1947 be, and the same is hereby amended to read as follows:

Contents of
complaint for
condemnation.

“93-9908. **The Complaint and Its Contents.** The complaint must contain:

1. The name of the corporation, association, commission, or person in charge of the public use for which the property is sought, who must be styled plaintiff.

2. The names of all owners and claimants of the property, if known, or a statement that they are unknown, who must be styled defendants.

3. A statement of the right of plaintiff.

4. If a right-of-way is sought, the complaint must show the location, general route, and termini, and must be accompanied with a map thereof, so far as the same is involved in the action or proceeding.

5. A description of each piece of land sought to be taken, and whether the same includes the whole or only a part of the entire parcel or tract. All parcels lying in the county, and required for the same public use, may be included in the same or separate proceedings, at the option of the plaintiff, but the court may consolidate or separate them to suit the convenience of the parties. When application for the condemnation of a right-of-way for the pur-

poses of sewerage is made on behalf of a settlement, or town, or a county, the county commissioners of the county may be named as plaintiff."

6. *If a sand, stratum or formation known to be suitable for use as an underground natural gas storage reservoir is sought to be appropriated, a description thereof and of the land in which it is alleged to be contained, and a description of all other property and rights sought to be appropriated for use in connection with the appropriation of the right to store natural gas in and withdraw natural gas from such reservoir. In addition, the complaint shall state facts showing that the underground reservoir is one subject to appropriation by plaintiff; also stating that the underground storage of natural gas in the land sought to be appropriated is in the public interest; that the underground reservoir is suitable and practicable for natural gas storage; that the plaintiff in good faith has been unable to acquire the rights sought to be appropriated hereunder and a statement that the rights and property sought to be appropriated are not prohibited by law; and in addition, the complaint must be accompanied by a certificate from the state oil and gas conservation commission, setting forth its findings as to the existence of all of the facts contained in this paragraph.*

Adding provisions for underground storage reservoirs.

Section 4. That Section 93-9911 of the Revised Codes of Montana of 1947 be, and the same is hereby amended to read as follows:

Amending clause.

"93-9911. Power of Court to Appoint Commissioners, etc. The court or judge has power:

1. To regulate and determine the place and manner of making the connections and crossings, and enjoying the common uses mentioned in subdivision 5, section 93-9904, and of the occupying of canyons, passes, and defiles for railroad purposes, as permitted and regulated by the laws of this state or of the United States;

Power of court to appoint commissioners.

2. To determine whether or not the use for which the property is sought to be appropriated is a public use, within the meaning of the laws of this state;

3. To limit the amount of property sought to be appropriated, if in the opinion of the court or judge the quantity sought to be appropriated is not necessary;

4. If the court or judge is satisfied that the public interests require the taking of such lands, it or he must make an order appointing three competent persons, resident in said county, commissioners to ascertain and determine the amount to be paid by the plaintiff to each owner, or other person interested in such property, as damages, by reason of the appropriation of such property, and specify the time and place of the first meeting of such commissioners, and fixing their compensation. Any party may object to the appointment of any person as a commissioner on the same grounds that he might object to him as a trial juror."

Adding provisions for underground storage reservoirs.

5. *If the property sought to be appropriated is a sand, stratum or formation known to be suitable for use as an underground natural gas storage reservoir and the existence and suitability of it for such use has been proved by plaintiff upon substantial evidence, the order of the court or judge shall direct the commissioners so appointed to ascertain and determine the amount to be paid by the plaintiff to each owner or other person interested in the property sought to be appropriated for use as such underground natural gas storage reservoir, and for use in connection with the creation, operation and maintenance thereof, as compensation and damages by reason of the appropriation of such property.*

Experts recommended by oil and gas conservation commission.

The court shall appoint three persons, qualified as experts and recommended as such by the oil and gas conservation commission of the State of Montana, to assist and advise the commissioners in determining the compensation and damages to be paid by plaintiff to each owner, or other person interested in the property sought to be appropriated and the fees and expenses of such persons shall be chargeable as costs of the proceedings to be paid by the plaintiff.

Right of way through reservoir area preserved for mineral right owners.

Section 5. The appropriation of any sand, stratum or formation for use as an underground natural gas storage reservoir shall be without prejudice to the rights of the owner or owners of said lands, or of the oil, gas or other mineral rights therein, to drill or bore through the sand, stratum or formation so appropriated for use as an underground natural gas storage reservoir, in order to explore for, produce, process, treat or market any oil, gas or other

minerals that might be contained in said lands above or below the sands, stratum or formation so appropriated. Any additional cost or expense required to be incurred in order to protect the underground gas storage reservoir against pollution and the escape of the gas therefrom, by reason of such boring or drilling through of the sand, stratum or formation used as such underground gas storage reservoir shall be paid by the persons, firm or corporation then owning such underground gas storage reservoir.

Section 6. **Constitutionality.** If any part or parts of this act shall be held to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this act. The legislature hereby declares that it would have passed the remaining parts of this act if it had known that such part or parts thereof would be declared unconstitutional. Severability.

Section 7. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Approved March 9, 1953.

CHAPTER 246

An Act to Authorize the State of Montana to Become Indebted for the Sum of Two Million Dollars (\$2,000,000.00) in Excess of the Constitutional Limitation of Indebtedness and Over and Above Any Bonded Indebtedness Heretofore Incurred or Created and for Which the State of Montana is Now Obligated for the Construction and Equipment of Necessary Buildings and Other Permanent Improvements for the Montana State Hospital for the Insane at Warm Springs, Montana; Providing for the Issuance of Bonds in the Name of the State of Montana as Evidence of Such Indebtedness and for the Sale Thereof; Prescribing the Form of Such Bonds and Providing for a Levy of an Annual Tax Sufficient to Pay the Principal Thereof and the Interest Accruing Thereon; and Providing for a Referendum of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the state board of examiners of the State of Montana is hereby authorized and empowered to issue

Authorizing
excess of
constitutional
debt limit for
improvements
at state
hospital.
Board of
examiners to
issue bonds.

bonds in the name of the State of Montana, in an amount not exceeding two million dollars (\$2,000,000.00) in excess of the constitutional limitation of indebtedness and over and above any bonded indebtedness heretofore incurred or created and for which the State of Montana is now obligated, the money derived from the sale of said bonds to be used for the purpose of constructing and equipping necessary buildings and other permanent improvements for the Montana state hospital for the insane at Warm Springs, Montana.

Board to issue
bonds as
needed for
construction.

Section 2. Such bonds shall be issued from time to time by the state board of examiners at such times and in such amounts as may appear to said state board of examiners of the State of Montana in the exercise of its judgment and discretion to be for the best interests of the state and necessary for the construction and equipment of necessary buildings and other permanent improvements for the Montana state hospital for the insane.

Series and
manner of
issuance,
interest,
maturity
of bonds.

Section 3. Each series of bonds provided for in this act shall be issued in such denominations, shall be dated, shall mature serially over a period of not to exceed twenty (20) years from the date thereof, and shall bear interest at a rate or rates not exceeding four percent (4%) per annum, payable semiannually, as may be determined by the state board of examiners; provided, however, that for each series of said bonds issued after the issuance of the first series thereof, the board of examiners shall so fix the interest payment dates that the interest thereon will become due and payable on the same dates as the interest on the first bonds shall become due and payable, and in order so to do the state board of examiners may provide that the first interest shall be due and payable at a date less than six (6) months after the date of the issuance of such series. Said bonds may be made redeemable before maturity, at the option of the state board of examiners, at such price or prices and upon such terms and conditions as may be fixed by the state board of examiners prior to the issuance of said bonds.

Place of
payment.

The bonds provided for in this act shall be payable as to both principal and interest at the office of the state treasurer of the State of Montana at Helena, Montana, or at the option of the holders thereof at the office of the

fiscal agent of the State of Montana in the borough of Manhattan, city and state of New York, and shall be executed in the name of the State of Montana by the members of the state board of examiners under the great seal of the State of Montana. The coupons representing interest on said bonds shall be executed with the facsimile signatures of the members of the state board of examiners.

Section 4. The state board of examiners shall prescribe the form of said bonds, and the bonds of each series shall bear upon their face the words: "Montana state hospital for the insane bonds of the State of Montana" with a letter or figure to designate the series thereof, and shall be registered in the office of the state treasurer. The state board of examiners of the State of Montana is hereby authorized and directed to issue and sell said bonds as provided for in this act in such manner as they shall deem for the best interests of the state and the carrying out of the provisions of this act at such times within a period of five (5) years from and after the approval of this act as the said state board of examiners shall from time to time determine necessary for the purposes herein provided. No bond provided for herein shall be disposed of for less than its par value.

Board of examiners to prescribe form of bonds, time of issuance.

To be issued within 5-year period.

Section 5. All moneys derived from the issuance and sale of the bonds authorized by this act shall be paid into the state treasury and shall constitute a special fund for the construction and equipment of necessary buildings and other permanent improvements for the Montana state hospital for the insane. Such moneys shall be expended only for the purposes herein expressly provided for and shall be disbursed by the state treasurer on warrants properly drawn against such fund by the state auditor pursuant to the orders of the state board of examiners.

Disposition of money — special fund created.

Section 6. There shall be levied annually upon all property in the State of Montana subject to taxation an ad valorem tax upon each dollar of the taxable valuation of such property sufficient to pay the interest accruing on said bonds as such interest shall fall due and to pay the principal of said bonds as such principal becomes due, said levy, however, not to exceed one (1) mill per annum until the indebtedness herein provided for shall have been fully paid and discharged. The tax when collected by the

Providing ad valorem levy to pay bonds.

Disposition
of funds.

county treasurers of the several counties of the state shall be by them accounted to and paid into the state treasury of the State of Montana, and by the state treasurer placed in the "Montana state hospital for the insane bond interest and redemption fund", which fund shall be used exclusively for the payment of principal and interest on said bonds as the same become due.

Referendum
provided.

Section 7. There shall be a referendum on this act and the secretary of state is hereby required, and it is made his duty, to submit this measure in accordance with the provisions of the constitution and the laws of the State of Montana applicable thereto to the people of the state for their approval or rejection at the general election to be held in November, 1954. The official ballot used in said election shall have printed thereon the title of this act and below the same shall be printed the words:

- ☐ FOR THE BOND ISSUE FOR THE MONTANA
STATE HOSPITAL FOR THE INSANE
- ☐ AGAINST THE BOND ISSUE FOR THE MON-
TANA STATE HOSPITAL FOR THE INSANE

Each qualified elector shall designate his preference by marking an "X" in the square opposite the proposition for which such elector desires to vote. The votes cast for and against the law above proposed shall be canvassed, determined and declared in the manner provided by the general election laws of the state.

Costs and
fees to be
paid out of
bond proceeds.

Section 8. The cost of the bonds issued under this act and all fees, commissions, and the compensation of the architect or architects employed in the construction and to prepare plans shall be paid out of the proceeds of the bonds.

Severability.

Section 9. If any parts of this act shall be declared by any court of competent jurisdiction to be unconstitutional such unconstitutionality shall not affect the validity of the remaining parts of this act.

Repealing
clause.

Section 10. All acts and parts of acts in conflict herewith are hereby repealed.

Effective
immediately.

Section 11. This act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1953.

CHAPTER 247

An Act to Amend Section 75-1723, Revised Codes of Montana, 1947, as Amended by Section 10 of Chapter 199 of the Session Laws of Montana of 1949, and as Amended by Section 2 of Chapter 208 of the Session Laws of Montana of 1951, and to Amend Section 75-3801 of the Revised Codes of Montana, 1947, as Amended by Section 12 of Chapter 199 of the Session Laws of Montana of 1949, and as Amended by Section 1 of Chapter 210 of the Session Laws of Montana, 1951, Relating to the Levy of District School Taxes for the Foundation Program and Approved Additions Thereto, and Providing for Any Additional Tax Levies to be Voted Upon by the Electors, and Providing the Method Relating to Federal Reimbursements in Lieu of Taxes be Used in Computing Additions to the Foundation Program, and Providing an Exception From the Requirement of Voted Levies in Districts Where Levies higher Than Those Allowed by This Act Are Necessary to Obtain Federal Reimbursements in Lieu of Taxes.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 75-1723, Revised Codes of Montana, 1947, as amended by section 10 of chapter 199 of the session laws of Montana of 1949, and as amended by section 2 of chapter 208 of the session laws of Montana of 1951, be, and the same is hereby amended to read as follows:

Amending
clause.

“75-1723. **Fixing Tax Levy.** The county superintendent of schools, as clerk of the school budget board, shall, when the board of county commissioners meet on the second Monday in August for the purpose of fixing tax levies, lay before such board the elementary school budgets for all school districts in the county, as finally adopted and approved by the school budget board, and it shall be the duty of the county commissioners of each county in the state to fix and levy a tax of five (5) mills on the dollar of the taxable value of all school districts within the county, provided that if a levy of less than five (5) mills will be sufficient to meet the approved budget of any school district, then such lesser levy shall be made, but

Fixing
tax levy.

no school district levying less than five (5) mills shall receive any apportionment from the state public school equalization fund.

Levy of tax
for revenue
required by
final budget.

Limitations
upon tax,
plus federal
reimburse-
ments.

Providing for
use of federal
reimburse-
ments between
15 mills and
30% limitation.

“It shall further be the duty of the county commissioners of each county in the state to fix and levy a tax for each school district in the county within the limitations prescribed by this act in such number of mills as will produce the amount shown by the final budget to be raised by tax levy which may also include a reserve fund, not to exceed thirty-five per cent (35%) of the amount appropriated in the final and approved budget for the then current school year, for the purpose of maintaining the elementary and high school of the district from July 1 to November 30 of the next succeeding year; provided that such school district tax *plus federal reimbursements in lieu of taxes* shall not, unless approved by a vote of the taxpaying electors, exceed the rate of levy required to produce an amount equal to the foundation program *and the additions thereto*, within the limitations of thirty per cent (30%), hereinbefore specified, and provided, further, that such last mentioned additional school district tax shall not, in any event, exceed fifteen (15) mills unless the excess above said ten mill limitation shall first have been authorized at an election held in accordance with the general school laws pertaining to the voting of additional levies, *save and except that in any district wherein more than fifteen (15) mills is required to reach the thirty per cent (30%) limit above the foundation program, such increase above the fifteen (15) mill limit may be financed by federal reimbursements in lieu of taxes without a vote of the taxpayers up to the thirty per cent (30%) limit above the foundation program, if the board of trustees of such district shall file with its final budget a certificate approved by the county superintendent of schools setting forth (a) the federal and state requirements which make such increase above the fifteen (15) mills necessary and (b) the amount of the increase in excess of fifteen (15) mills which is necessary to meet such federal and state requirements.*”

Amending
clause.

Section 2. That Section 75-3801, Revised Codes of Montana, 1947, as amended by section 12 of chapter 199 of the session laws of Montana of 1949, and as amended by

section 1 of chapter 210 of the session laws of Montana, 1951, be and the same is hereby amended to read as follows:

“75-3801. **District School Taxes, Election.** (1) Whenever the board of trustees of any school district shall deem it necessary to raise money by taxation in excess of the levy required to meet its foundation program and approved additions thereto within the limitations of thirty per cent (30%) hereinbefore specified, for the purpose of maintaining the schools of said district, or building, altering, repairing or enlarging any school house or houses of such district, for furnishing additional school facilities for said district, or for any other purpose necessary for the proper operation and maintenance of the schools of said district, said board of trustees shall determine and fix the amount necessary and required for such purpose or purposes in addition to the five (5) mill levy and the approved addition to its foundation program hereinbefore provided for, and it shall submit the question of an additional levy to raise said *excess* amount to the qualified electors residing within the district who are taxpayers and whose names appear upon the last completed assessment roll of the county for state, county and school taxes, either at the regular annual election held in said district, or at a special election called for that purpose by the board of trustees of said district. Such election shall be called by resolution in the same manner as provided for other school elections, and shall be held prior to August first.

District
school taxes,
when election
is required.

Election on
excess amount.

“(2) Whenever the board of trustees of any district or county high school shall deem it necessary to raise money by taxation in excess of the levy required to meet its foundation program and approved additions thereto within the limitation hereinbefore specified for the purpose of maintaining the high schools of said district or the county high school, or building, altering, repairing or enlarging any schoolhouse or houses of such district or county high school, for furnishing additional school facilities for said district, or county high school, or for any other purpose necessary for the proper operation and maintenance of the schools of said district, or county high school, said board of trustees shall determine and fix the amount necessary and required for such purpose or purposes in addition to any other legal levies on the district, including the approved addition to its foundation pro-

Board to fix
amount of
taxes
necessary.

Elections (n
additional
levy for
county high
schools.

gram hereinbefore provided for, and in the case of the district high school it shall submit the question of an additional levy to raise said amount to the qualified electors residing within the district who are taxpayers and whose names appear upon the last completed assessment roll of the county for state, county and school taxes, either at the regular annual election held in said district or at a special election called for that purpose by the board of trustees of said district. In the case of the county high school the board shall submit the question of an additional levy to raise said amount to the qualified electors residing within the county, exclusive of those residing within any district maintaining a district high school in the county, who are taxpayers and whose names appear upon the last completed assessment roll of the county for state, county and school taxes, either at the regular annual elections held in said districts, or special elections called for that purpose by the board of trustees of said county high school. Such election shall be called by resolution in the same manner as provided for other school elections, and shall be held prior to August first; and provided, further, that the provisions of this act shall not prevent the voting of a special levy on a high school district as provided for in chapter 130, laws of 1949 (75-4609)."

Repealing
clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Effective
immediately.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1953.

CHAPTER 248

An Act to Authorize the State of Montana to Become Indebted for the Sum of One Million Five Hundred Thousand Dollars (\$1,500,000.00) in Excess of the Constitutional Limitation of Indebtedness and Over and Above Any Bonded Indebtedness Heretofore Incurred or Created and for Which the State of Montana is Now Obligated, for the Construction and Equipment of Necessary Buildings and Other Permanent Improvements and the Acquisition of Necessary Grounds Therefor for the Montana State Training School at Boulder, Montana.

and the Acquisition of Farm Lands to be Used in Connection Therewith and for the Support Thereof; Providing for the Issuance of Bonds in the Name of the State of Montana as Evidence of Such Indebtedness and for the Sale Thereof; Prescribing the Form of Such Bonds and Providing for a Levy of an Annual Tax Sufficient to Pay the Principal Thereof and the Interest Accruing Thereon; and Providing for a Referendum of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the state board of examiners of the State of Montana is hereby authorized and empowered to issue bonds in the name of the State of Montana, in an amount not exceeding one million five hundred thousand dollars (\$1,500,000.00) in excess of the constitutional limitation of indebtedness and over and above any bonded indebtedness heretofore incurred or created and for which the State of Montana is now obligated, the money derived from the sale of said bonds to be used for the purpose of constructing and equipping necessary buildings and other permanent improvements and for acquiring necessary grounds therefor, for the Montana state training school at Boulder, Montana, and for acquiring of such farm lands as may be necessary to be used in connection therewith and for the support thereof.

Board of examiners authorized to issue bonds in excess of constitutional debt limit for improvements at Boulder training school.

Section 2. Such bonds shall be issued from time to time by the state board of examiners, upon the request of the state board of education which shall first determine the necessity therefor, at such times and in such amounts as may appear to said state board of examiners of the State of Montana in the exercise of its judgment and discretion to be for the best interests of the state and necessary for the construction and equipment of necessary buildings and other permanent improvements and the acquisition of necessary grounds therefor for the Montana state training school at Boulder, Montana, and for acquiring of such farm lands as may be necessary to be used in connection therewith and for the support thereof.

Bonds issued by board of examiners at request of board of education.

Time and amount in discretion of board of examiners.

Section 3. Each series of bonds provided for in this act shall be issued in such denominations, shall be dated, shall mature serially over a period of not to exceed twenty

Manner of issuance, maturity, interest rate and time of payment.

(20) years from the date thereof, and shall bear interest at a rate or rates not exceeding four per cent (4%) per annum, payable semiannually, as may be determined by the state board of examiners; provided, however, that for each series of said bonds issued after the issuance of the first series thereof, the state board of examiners shall so fix the interest payment dates that the interest thereon will become due and payable on the same dates as the interest on the first bonds shall become due and payable, and in order so to do the state board of examiners may provide that the first interest shall be due and payable at a date less than six (6) months after the date of the issuance of such series. Said bonds may be made redeemable before maturity, at the option of the state board of examiners, at such price or prices and upon such terms and conditions as may be fixed by the state board of examiners prior to the issuance of said bonds.

Place of
payment.

The bonds provided for in this act shall be payable as to both principal and interest at the office of the state treasurer of the State of Montana at Helena, Montana, or at the option of the holders thereof at the office of the fiscal agent of the State of Montana in the borough of Manhattan, city and state of New York, and shall be executed in the name of the State of Montana by the members of the state board of examiners under the great seal of the State of Montana. The coupons representing interest on said bonds shall be executed with the facsimile signatures of the members of the state board of examiners.

Form
of bonds.

Section 4. The state board of examiners shall prescribe the form of said bonds, and the bonds of each series shall bear upon their face the words: "Montana state training school bonds of the State of Montana", with a letter or figure to designate the series thereof, and shall be registered in the office of the state treasurer. The state board of examiners of the State of Montana is hereby authorized and directed to issue and sell said bonds as provided for in this act in such manner as they shall deem for the best interests of the state and the carrying out of the provisions of this act at such times within a period of five (5) years from and after the approval of this act as the said state board of examiners shall from time to time determine necessary for the purposes herein provided. No bond

To be issued
within 5-year
period.

provided for herein shall be disposed of for less than its par value.

Section 5. All moneys derived from the issuance and sale of the bonds authorized by this act shall be paid into the state treasury and shall constitute a special fund for the construction and equipment of necessary buildings and other permanent improvements and the acquisition of necessary grounds therefor for the Montana state training school and for the acquiring of farm lands used in connection therewith and for the support thereof. Such moneys shall be expended only for the purposes herein expressly provided for and shall be disbursed by the state treasurer on warrants properly drawn against such fund by the state auditor pursuant to the orders of the state board of examiners.

Disposition
of money --
special fund
created.

Section 6. There shall be levied annually upon all property in the State of Montana subject to taxation an ad valorem tax upon each dollar of the taxable valuation of such property sufficient to pay the interest accruing on said bonds as such interest shall fall due and to pay the principal of said bonds as such principal becomes due, said levy, however, not to exceed one (1) mill per annum until the indebtedness herein provided for shall have been fully paid and discharged. The tax when collected by the county treasurers of the several counties of the state shall be by them accounted to and paid into the state treasury of the State of Montana, and by the state treasurer placed in the "Montana state training school bond interest and redemption fund," which fund shall be used exclusively for the payment of principal and interest on said bonds as the same become due.

Providing
ad valorem
tax to pay
bonds.

Disposition of
tax funds.

Section 7. There shall be a referendum on this act and the secretary of state is hereby required, and it is made his duty to submit this measure in accordance with the provisions of the constitution and the laws of the State of Montana applicable thereto to the people of the state for their approval or rejection at the general election to be held in November, 1954. The official ballot used in said election shall have printed thereon the title of this act and below the same shall be printed the words:

Referendum
provided.

☐ FOR THE BOND ISSUE FOR MONTANA STATE
TRAINING SCHOOL

☐ AGAINST THE BOND ISSUE FOR MONTANA
STATE TRAINING SCHOOL

Each qualified elector shall designate his preference by marking an "X" in the square opposite the proposition for which such elector desires to vote. The votes cast for and against the law above proposed shall be canvassed, determined and declared in the manner provided by the general election laws of the state.

Costs and fees
to be paid
from bond
proceeds.

Section 8. The cost of the bonds issued under this act, fees and all commissions, and the compensation of the architect or architects employed in the construction and to prepare plans shall be paid out of the proceeds of the bonds.

Severability.

Section 9. If any parts of this act shall be declared by any court of competent jurisdiction to be unconstitutional such unconstitutionality shall not affect the validity of the remaining parts of this act.

Repealing
clause.

Section 10. All acts and parts of acts in conflict herewith are hereby repealed.

Effective
immediately.

Section 11. This act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1953.

CHAPTER 249

An Act Authorizing the State Board of Examiners to Enter Into Leases, Leases With Options to Purchase, and to Purchase Lands, Buildings, Machinery and Improvements for the use of the Montana State Hospital, the Montana State Sanitarium, the Montana State Industrial School and the State Penitentiary at Deer Lodge, for the Production of Crops and Livestock, Upon Such Terms and Conditions as Such Board Determines to be for the Best Interest of the State; and Appropriating the Sum of Two Hundred and Twenty Thousand Dollars (\$220,000.00) Therefor; Repealing All Acts or Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The state board of examiners is hereby authorized to enter into leases for, leases with the option to pur-

chase, and to purchase such lands, buildings, machinery and improvements as the board may select and upon such terms and conditions as said board may determine to be for the best interest of the state for use at the Montana state hospital, the Montana state sanitarium, the Montana state industrial school, and the state penitentiary at Deer Lodge for the production of crops and livestock for use at said institutions.

Board of examiners empowered to acquire property for institutional use.

Section 2. That the sum of two hundred and twenty thousand dollars (\$220,000.00), or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the object and purposes hereinabove expressed for the period beginning from and after the passage and approval of this act and ending March 1, 1955.

Appropriation of money for acquisition.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Effective immediately.

Approved March 9, 1953.

CHAPTER 250

An Act to Amend Section 75-3729, of the Revised Codes of Montana, 1947, as Amended by Chapter 191, Session Laws of 1949, Relating to Assumption of Farm Mortgage Loans — Promise of State to Repay Moneys Loaned and Interest by Providing for the Transfer to the State Public School Permanent Fund of All Farm Mortgage Loans Now Existing as Such, All the Lands Taken Over by the State Under Such Mortgages Through Foreclosure Proceedings and Otherwise, Together With All Tenements, Hereditaments and Appurtenances Thereto Belonging; All Sale or Resale Contracts or Certificates Embracing Such Lands and All Rights, Claims and Demands Whatsoever Accruing to the State Under and in Connection With Such Farm Mortgage Loans, as Listed in Section 75-3729, Revised Codes of Montana, 1947, in Lieu of the Interest Indicated in the Amendment to This Section by Chapter 191, Session Laws of 1949, and as Complete Fulfillment of All Claims Upon the State of

Montana by the State Public School Permanent Fund as a Result of the Obligations Incurred Through Chapter 124, Session Laws of 1917.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 75-3729 of the Revised Codes of Montana, 1947, as amended by chapter 191, session laws of 1949, be, and the same is hereby amended to read as follows:

State assumes
existing farm
mortgage
loans, interests
and lands
acquired.

“Section 75-3729. (1218.2) **Assumption of Farm Mortgage Loans — Promise of State to Repay Moneys Loaned and Interest** — *Transfer of Lands to State Public School Permanent Fund in Lieu of Interest Due.* The state itself hereby assumes and takes over all of such farm mortgage loans now existing as such, all the lands taken over by the state under such mortgages through foreclosure proceedings and otherwise, together with all the tenements, hereditaments, and appurtenances thereunto belonging; all sale or resale contracts or certificates embracing such lands, and all rights, claims and demands whatsoever accruing to the state under and in connection with such farm mortgage loans; and the state hereby promises and agrees to repay to the public school permanent *school* fund the said sum of four million two hundred fifty thousand six hundred twenty-five and 95/100 dollars (\$4,250,625.95) as of January 1, 1935, together with interest on the balance remaining from time to time unpaid at the rate of two per centum (2%) per annum, from the proceeds of such farm mortgage loans and lands and from such other sources other than that the state general fund as the legislative assembly may provide.

State promises
to reimburse
permanent
school fund
a sum certain
plus interest
and all
interest lost.

“The State of Montana further promises and agrees to repay to the public school permanent fund all the interest payments lost to said public school permanent fund by reason of failure of payment of farm mortgage loans during the whole, or any part, of the period since such farm mortgage loans were executed.

In lieu of
interest and
debt in full—
lands and in-
terests granted
to permanent
school fund.

“*In lieu of the repayment of this interest, and as complete fulfillment of all claims upon the State of Montana by the state public school permanent fund as a result of the obligations incurred through chapter 124, laws of 1917, the State of Montana hereby transfers to the state public*

school permanent fund all farm mortgage loans now existing as such, all the lands taken over by the state under such mortgages through foreclosure proceedings and otherwise, together with all tenements, hereditaments and appurtenances thereto belonging; all sale or resale contracts or certificates embracing such lands, and all rights, claims and demands whatsoever accruing to the state under and in connection with such farm mortgage loans, as listed in Section 75-3729, Revised Codes of Montana, 1947. The administration of these lands shall remain as outlined in sections 75-3730, 75-3731, 75-3732 and 75-3733, and the income from these lands shall be allocated in the same manner as the income from all other lands belonging to the state public school permanent fund."

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing
clause.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Effective
immediately.

Approved March 11, 1953.

CHAPTER 251

An Act to Create a Department of State Personnel; to Establish a Classified Service for State Officers and Employees and Designating the Exclusions of Certain Officers and Employees; to Provide for the Appointment, Fix the Number, Terms of Office, Qualifications, Duties, Powers and Meetings of a Personnel Commission; to Provide for the Appointment, Compensation, Duties, Powers and Term of Office of a Personnel Director; to Provide for the Adoption of the Rules of the Personnel Commission and Fixing the Scope of Said Rules; Providing for the Duties of State Officers and Employees in Relation to Said Classified Service and the Rules and Orders of the Personnel Commission and Personnel Director; Providing for the Status of State Employees in the State Service on the Effective Date of This Act; Providing for the Certification or Withholding of Certification of Payrolls by the Personnel Director or His Agent; Providing That the Records of the Department of State Personnel Shall be Public Records Subject to Reasonable Regulations as to Time of Inspection; Providing for

Appeals by Employees to the Commission; Providing for the Effective Date of Section 13 of This Act; Amending Section 59-901, Revised Codes of Montana, 1947, Relating to the Powers of the State Board of Examiners; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

How act
cited.

Section 1. **Title of Act.** This act shall be known and may be cited as the "personnel administration law".

Purpose
stated.

Section 2. **General Purpose.** It is the general purpose of this act and the public policy of this state that:

(a) Employment in the state government shall be based on merit and fitness.

(b) Efficiency and economy shall be promoted through just and equitable incentives and conditions of employment.

(c) That compensation be based on service rendered, or to be rendered and promotions be based on systematic tests and evaluations.

(d) That uniformity in compensation of state employees for similar work shall be based on uniform classification of state employees.

What
classified
service
constitutes.

Section 3. **Classified Service; Exceptions Therefrom.** The classified service to which this act shall apply shall comprise all positions in all state offices, boards, commissions, bureaus, departments, institutions and agencies of the State of Montana, except the following:

Exceptions.

(1) The state legislature and all employees and officers of the state legislature.

(2) All state officers elected by popular vote and persons appointed to fill vacancies in elective offices.

(3) Members of boards and commissions and heads of departments appointed by the governor.

(4) One principal assistant or deputy and one private secretary for each board or commission or head of a department appointed by the governor or elected.

(5) Deputies, reporters, attaches and stenographers appointed by the judiciary.

- (6) Attorneys appointed by the attorney general.
- (7) President, instructional and scientific staffs of all branches of the six (6) units of the university of Montana and student employees of such institutions.
- (8) Patients or inmates employed in state institutions.
- (9) Persons employed in a professional or scientific capacity to make or conduct a temporary and special inquiry, investigation or examination on behalf of the legislature or a committee thereof, or on behalf of the governor.
- (10) Officers and members of the militia.
- (11) Individuals, employees and agencies under the present joint merit system now effective in state agencies expending federal funds except that the position classification plan and the compensation plan shall apply to such employees.
- (12) Officers, employees and persons recommended by the personnel director and unanimously approved by the personnel commission.

Section 4. **Department of State Personnel.** There is hereby created a department of state personnel, the executive head of which shall be a director of personnel. In the department there shall be a personnel commission of four (4) members, with the powers and duties hereinafter enumerated.

Department
of state
personnel
created.

Section 5. **Personnel Commission.** There is hereby created a commission to be known as the personnel commission of the State of Montana. The commission shall consist of four (4) members who shall be appointed by the governor and confirmed by the senate and shall hold office for the term of four (4) years except two (2) of the members first appointed who shall hold office for a term of two (2) years. The terms of office of the members of the commission appointed for terms of two (2) years shall expire March 1, 1955, and the terms of office of the members first appointed for terms of four (4) years shall expire March 1, 1957. Not more than two (2) of the members shall be from the same political party, and at all times one member shall be a state employee in the classified service. Any vacancy shall be filled by appointment subject to confirmation by the senate and a member appointed to fill a vacancy

Personnel
commission
created —
membership,
appointment,
terms.

Vacancy.

Compensation.

shall hold office for the remainder of the term for which his predecessor was appointed. The members of the commission shall receive per diem of ten dollars (\$10.00) and expenses as authorized and provided for by law. The governor shall appoint the members of the first commission within thirty (30) days after the effective date of this act. The commission shall elect one (1) of its members as chairman.

Commission duties enumerated.

Section 6. **Duties of the Commission.** In addition to the duties expressly set forth elsewhere in this law, the commission shall:

(1) Appoint a director of personnel within ninety (90) days after the appointment of the first commission.

(2) Represent the public interest in the improvement of personnel in the state service.

(3) Make any investigation which it may consider desirable concerning the administration of personnel in the state service, and make recommendations to the director with respect thereto.

(4) Make biennial reports and special reports and recommendations to the governor and legislature.

(5) Establish a classification plan, and revise the same when necessary, for all positions in the state classified service.

(6) Review the operation of the compensation plan when adopted by the Montana state legislature and make such recommendations to the legislative assembly deemed advisable by the commission to meet changing needs of the state service.

(7) Make and adopt rules and regulations necessary to carry out the purposes of this act.

Meetings.

Section 7. **Meetings of the Commission.** The commission shall meet at such time and place in the State of Montana as shall be agreed on by a majority of the members. At least one meeting shall be held in each month. Records and minutes of the meetings shall be kept by the director of personnel. Three (3) members shall constitute a quorum.

Director of personnel — qualifications, salary.

Section 8. **Director of Personnel.** The director of personnel shall have had a least three (3) years experience in

the field of personnel administration, which experience shall have been gained in a public or private personnel organization. The director shall receive a salary of seven thousand dollars (\$7,000.00) per annum and shall hold office at the pleasure of the commission.

Section 9. **Duties of the Director.** The director, as executive head of the department, shall direct and supervise its administrative and technical activities. In addition to the duties imposed upon him elsewhere in this law, it shall be his duty:

Duties of
director
enumerated.

(1) To establish and maintain a roster of all employees in the state service, in which there shall be set forth, as to each employee, the class title, pay or status, changes in class title and other pertinent data.

(2) To maintain a register of applicants and a record of their examinations.

(3) To supervise and give the examinations to test the fitness of applicants for positions in the classified service.

(4) To appoint, within the budget limitations of the personnel department, such employees of the department and such experts and special assistants as may be necessary to carry out effectively the provisions of this act.

(5) To investigate from time to time the operation and effect of this law and of the rules made thereunder and to report his findings and recommendations to the commission.

(6) To make an annual report regarding the work of the department, and such special reports as he may consider desirable, to the commission.

(7) To conduct or direct the making of work load analyses for the purpose of determining the volume of work, and time required in the performance of such work necessary to fulfill the requirements of each separate department, board, institution or commission of the state government, and the grade level and numbers of employees necessary to the performance of the duties required of each department; and further to report the findings of such analyses to the commission.

(8) To perform any other lawful acts which the personnel commission may consider necessary or desirable to carry out the purposes and provisions of this law.

Director
to submit
rules to
commission.

Section 10. **Rules.** The director of personnel shall prepare and submit to the commission rules, for adoption or rejection, for the classified service and amendments thereto. The rules shall provide:

Scope of rules.

(1) For the preparation and revision of a position classification plan which shall establish a series of grades of positions based on progressively increasing weight of responsibility and difficulty or complexity of duties performed by the incumbent of such position. All of the positions assigned to any given grade should, to the greatest possible degree, entail duties deemed essentially equal in weight of responsibility and difficulty or complexity of duties. After such classification has been approved by the commission, the director shall allocate the position of every employee in the classified service to one of the classes in the plan.

(2) For the preparation and revision of a compensation plan for all employees in the classified service which plan shall be approved by the commission and submitted to the 1955 legislative assembly on or before the fifteenth (15th) day of the session. Any compensation plan, or revision thereof approved by the commission shall not become effective until it is adopted by the legislative assembly.

(3) For examinations to test the fitness of applicants for positions in the classified service. Veterans' preference rights as provided by law shall be observed in examinations. Such examinations shall be announced publicly at least fifteen (15) days in advance of the final day fixed for the filing of applications therefor, and the notice shall be given in the manner fixed by the commission.

(4) For promotions which shall give appropriate consideration to the applicant's qualifications, record of performance, seniority, and conduct.

(5) For emergency employment for not more than thirty (30) days without examination with the consent of the director.

(6) For reinstatement, without examination, within two (2) years only, with the approval of the personnel com-

mission, of persons who resign in good standing or who are laid off from their positions without fault or delinquency on their part.

(7) For keeping records of performance of all employees in the classified service, which service records may be considered in determining salary increases and decreases provided in the compensation plan.

(8) For the development and operation of programs to improve the work effectiveness and morale of employees in the state service.

(9) For such other rules and administrative regulations, not inconsistent with law, as may be necessary.

Section 11. Duties of State Officers and Employees.

All officers and employees of the state shall comply with and aid in all proper ways in carrying out the provisions of this law and the rules, regulations and orders thereunder. All officers and employees shall furnish any records or information which the director or commission may request for any purpose of this law. The director may institute and maintain any action or proceedings at law or in equity that he considers necessary or appropriate to secure compliance with this act and the rules and orders thereunder.

Duties of officers and employees to cooperate.

Section 12. Status of Present Employees. Employees holding positions in the state service on the effective date of this act shall not be required to pass a qualifying examination to remain in their respective positions and they shall not receive any reduction in compensation by reason of any classification of their position.

Status of present employees.

Section 13. Certification of Payrolls. No state disbursing or auditing officer shall make or approve or take any part in making or approving any payment for personal service to any person holding a position in the state classified service unless the payroll voucher or account of such pay bears the certification of the director, or of his authorized agent, that the persons named therein have been appointed and employed in accordance with the provisions of this law and the rules, regulations and orders thereunder. The director may for proper cause withhold certification from an entire payroll or from any specific item or items thereon.

Director or agent to certify all payrolls of classified service.

Certain records of department public.

Section 14. Records of the Department of State Personnel. The records of the department, except such records as the rules may properly require to be held confidential for reasons of public policy, shall be public records and shall be open to public inspection, subject to reasonable regulations as to the time and manner of inspection which may be prescribed by the director.

Appeals by employees on classification.

Section 15. Appeals by the Employees to the Commission. Any employee desiring a hearing on the classification assigned for his position may, within thirty (30) days after such classification, appeal to the commission for review thereof. Any action or decision by the commission may be appealed to the district court.

Section 13 effective April 1, 1955.

Section 16. Effective Date of Section 13 of Act. Section 13 hereof shall be in full force and effect from and after the first (1st) day of April, 1955, and no applicant for state employment for any position in the classified service shall be employed after the first (1st) day of April, 1955, who has not first qualified by examination as required under this act and the rules of the commission.

Amending clause.

Section 17. That Section 59-901, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Board of examiners to fix number, compensation and tenure of executive employees.

“59-901. **Number, Compensation and Tenure of Employees of Civil Executive State Offices Fixed by Board of Examiners.** The state board of examiners of the State of Montana shall by resolution, fix and designate the number, compensation, term and tenure of office of all assistants, deputies, agents, attorneys, administrators, engineers, experts, clerks, accountants, stenographers and executive attaches of all civil executive state offices, boards, commissions, bureaus and departments of the State of Montana; *provided, however, that an increase or decrease in compensation of any state employee covered by the personnel administration law shall be approved by the personnel commission.*”

Providing certain increases must be approved by personnel commission.

Repealing clause.

Section 18. All acts and parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 19. This act shall be in full force and effect from and after its passage and approval.

Approved March 20, 1953.

APPROPRIATIONS,
MEMORIALS AND RESOLUTIONS

Enacted by the
Thirty-third Legislative Assembly
STATE OF MONTANA

1953



APPROPRIATIONS

MEMORIALS AND RESOLUTIONS

HOUSE BILL NO. 1

An Act to Appropriate Money for the Payment of Mileage and Per Diem to the Members of the Thirty-third Legislative Assembly and for the Payment of Per Diem to the Officers and Attaches and for Incidental Expenses of the Thirty-third Legislative Assembly of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated, out of any money in the state treasury, not otherwise appropriated, for the objects and purposes hereinafter expressed, but for no other;

For the payment of mileage and per diem to the members of the thirty-third legislative assembly of the State of Montana:

Ninety-six thousand dollars.....\$ 96,000.00

For the payment of per diem to the officers and attaches of the thirty-third legislative assembly of the State of Montana:

One hundred thousand dollars.....\$100,000.00

For the payment of incidental expenses of the thirty-third legislative assembly of the State of Montana:

Forty-nine thousand dollars.....\$ 49,000.00

Section 2. The amounts appropriated herein are to be used for the purpose designated. However, if there is a surplus in any one item, it may be transferred to either of the other two items appropriated herein for the legislative assembly; provided the aggregate amount of all three appropriations shall be neither increased or decreased.

Section 3. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

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Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved January 9, 1953.

HOUSE BILL NO. 41

An Act to Appropriate Money for the Purchase of Replacement Volumes of the Revised Codes of Montana of 1947.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sum or sums or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purchase of replacement volumes of the Revised Codes of Montana of 1947, published by the publishers and distributors thereof, as follows:

FROM THE GENERAL FUND

For the period beginning July 1, 1953, and ending June 30, 1954, for four hundred (400) replacement volumes, at seventeen dollars and fifty cents (\$17.50) per volume, seven thousand dollars.....\$7,000.00

For the period beginning July 1, 1954, and ending June 30, 1955, for four hundred (400) replacement volumes, at seventeen dollars and fifty cents (\$17.50) per volume, seven thousand dollars.....\$7,000.00

Section 2. Replacement volumes shall not be purchased with funds hereby provided unless the publication thereof shall have been approved by the secretary of state with the concurrence of the supreme court of the State of Montana.

Section 3. The appropriation herein provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved February 6, 1953.

SUBSTITUTE HOUSE BILL NO. 107

An Act Appropriating Money From the Escheated Estates Fund to the Attorney General for the Following Purposes: To Enable the

THIRTY-THIRD LEGISLATIVE ASSEMBLY

Attorney General to Hire Expert Witnesses in the Trial of Escheated Estates; to Order and Pay for the Taking of Depositions of Necessary Witnesses in Escheated Estates; to Employ Counsel to Represent the State of Montana in the Taking of Depositions and Interviewing Witnesses; to Subpoena Witnesses and to Pay Their Fees and Necessary Traveling Expenses; to Pay Costs of Printing of Briefs and Transcript, Stenographic Fees and Services; to Order and Secure Original Documents and Photostats Thereof; to Employ a Special Assistant Attorney General in Charge of Escheated Estates and Pay His Necessary Travel and Other Expenses and in General to Further the Enforcement of the Escheated Property Act and Declaring an Emergency.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There is hereby appropriated to the attorney general out of the escheated estates fund the sum of thirty-four thousand (\$34,000.00) dollars, or so much thereof as may be necessary for the period to June 30, 1955, in order to enable the attorney general to make provision for payment of the following expenditures; to employ a special assistant attorney general in charge of escheated estates and pay his necessary travel and other expenses; fees and traveling expenses for expert witnesses; opinions from qualified experts in the field of foreign law, in aid of trial preparation; original and photostatic documents; depositions; printing of transcripts and briefs; stenographic fees and services; employment of counsel to represent the State of Montana in the taking of depositions in this country or foreign countries and for such other expenses as shall become necessary in connection with the effective and efficient enforcement of the escheated property act.

Section 2. An emergency is hereby declared, and the appropriation hereinabove provided shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 4, 1953.

HOUSE BILL NO. 187

An Act to Appropriate the Sum of Fifteen Thousand Dollars (\$15,000.00) for the Purpose of Repayment to Merchants of Trade Stimulators, Who Have Paid the State Board of Equalization for

SESSION LAWS

License Stamps Which Became Valueless and Unlawful When the Supreme Court of Montana Declared Such Trade Stimulators Void, Invalid and Illegal.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That from the general fund of the State of Montana not otherwise appropriated, there be appropriated the sum of fifteen thousand dollars (\$15,000.00) to be paid by the state treasurer to said merchants upon delivery by said merchants to said state board of equalization of the unused stamps which were purchased after July 9, 1951, which stamps bear serial numbers, which are on record with the state board of equalization.

Section 2. All stamps bearing serial numbers must be presented to the state board of equalization ninety (90) days after the enactment of this bill. The application for refund must be accompanied by an invoice or a cancelled check whereby it plainly shows that the stamps are paid for in full and under no condition is any person or persons, other than the original purchaser eligible for refund.

Be it further enacted that if these total approved claims amount to a greater sum than the fifteen thousand dollars (\$15,000.00) the state board of equalization be authorized to pay all claims on a proportionate base. Approved claims will be paid no later than ninety (90) days following the deadline for filing all claims, or within six (6) months of the passage of this bill.

Section 3. All acts or parts of acts in conflict herewith are hereby repealed.

Section 4. This act shall be in full force from and after its passage and approval.

Approved March 2, 1953.

HOUSE BILL NO. 199

An Act to Appropriate Money to Eastern Montana College of Education as Compensation for Two Small Sections of Its Campus Sold Pursuant to Provisions of Chapter 104 of the Session Laws of the State of Montana, 1951, Which Proceeds Therefrom Reverted to the General Fund.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That three thousand fifty dollars (\$3,050.00) for land sold from its campus as provided and described in chapter 104,

THIRTY-THIRD LEGISLATIVE ASSEMBLY

session laws of the State of Montana, 1951, be appropriated out of the general fund in the state treasury, to the eastern Montana college of education as compensation for two tracts of land originally given to the college by the businessmen of Billings and sold from its campus as described in chapter 104 of the session laws of the State of Montana, 1951.

Section 2. It is the intent of this act that the appropriation herein for eastern Montana college of education is additional to the fund to be provided by the thirty-third legislative assembly for current operating and maintenance expenses.

Section 3. The appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1953.

HOUSE BILL NO. 229

An Act to Appropriate Money for the Retirement of Montana Armory Board Bonds; Providing for the Retirement of Montana Armory Board Bonds and the Disposition of the Assets of the Montana Armory Board, and the Abolishment of Said Montana Armory Board.

WHEREAS, the twenty-sixth legislative assembly of the State of Montana passed chapter 161 of the laws of 1939, establishing the Montana armory board for the purpose of fostering and building state armories in the State of Montana, and for this purpose authorized said board to issue and sell bonds, and

WHEREAS, under said authorization said board did issue and sell bonds and did construct armories at Helena, Bozeman and Poplar, and

WHEREAS, the bonded indebtedness now standing against the Montana armory board and the above named armories has been reduced to the sum of forty-five thousand dollars (\$45,000.00), said reduction having been made solely by appropriations of the legislative assemblies except for the payment of the sum of twenty-five thousand six hundred ninety-three dollars and thirty-five cents

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(\$25,693.35) paid to the Montana armory board by the city of Poplar, and

WHEREAS, the Montana armory board has approximately five thousand dollars (\$5,000.00) on hand and available for further retirement of bonds, and

WHEREAS, the federal government has now initiated an armory construction program and because of this it is not considered feasible or expedient to build further armories under the Montana armory board, and

WHEREAS, this legislative assembly is of the opinion that the affairs of said Montana armory board should be wound up and concluded,

NOW THEREFORE BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:

Section 1. That there be hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of forty thousand dollars (\$40,000.00), to the Montana armory board, for the sole purpose of retiring all of the outstanding bonded indebtedness of said board.

Section 2. Immediately upon the retirement of said bonds the Montana armory board shall execute, by its chairman, duly attested by its clerk, good and sufficient deeds of conveyances of title as follows:

(a) To the city of Poplar, Montana, the premises located in that city known as the "Poplar armory," together with all the tenements, hereditaments and appurtenances thereto belonging, providing however, that said deed shall reserve unto the State of Montana the use of that portion of the armory building, including the drill hall, now designated as "national guard space," for the use of the Montana national guard so long as required or desired by the adjutant general of Montana, said use to be free of charge or rental for a period of five (5) years from the date of said deed, and thereafter to be on such terms and conditions as shall be agreed between the adjutant general and the city of Poplar;

(b) To the State of Montana, all other realty owned by said board of every description, including the "state arsenal building," Helena, Montana, and the "Bozeman armory," Bozeman, Montana, together with all the tenements, hereditaments, and appurtenances thereto belonging, without reservation or exception.

THIRTY-THIRD LEGISLATIVE ASSEMBLY

Section 3. As soon as can reasonably be done after the retirement of the bonds and the transfer of property as above described, the Montana armory board shall pay its bills and clear its affairs. The board shall transfer and turn over to the adjutant general's department all personal property of every nature, including its records and books of accounts. The board is hereby authorized to employ legal assistance to assist in the closing of its affairs, including making necessary and proper arrangements with the bondholders, the trustee, and in drawing the necessary legal documents, and for that purpose is authorized to expend not to exceed one thousand dollars (\$1,000.00) from its own funds.

Section 4. Upon the final closing of all of the accounts of said board any cash balances on hand shall be turned over to the adjutant general's department and may be expended by that department for the maintenance and improvement of buildings deeded hereunder to the State of Montana, and shall be accounted for in the same manner as other funds appropriated to said department.

Section 5. Upon the final closing of its affairs and upon the completion of all acts required under this act, the Montana armory board shall make a complete report to the governor of the State of Montana, whereupon said Montana armory board shall cease to exist and the provisions of Chapter 2, Title 82, Revised Codes of Montana, 1947, as amended, shall become inoperative.

Section 6. An emergency is hereby declared, and the appropriation hereinabove provided shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 7. All acts and parts of acts in conflict herewith are repealed.

Section 8. This act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1953.

HOUSE BILL NO. 242

An Act to Appropriate Money for Operation and Expenses of the Governor's Mansion for the Remainder of the Current Fiscal Year Ending June 30, 1953, It Having Been Determined That the Appropriation Made by the Thirty-second Legislative Assembly is Insufficient.

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Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sum or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purposes hereinafter expressed for the fiscal year ending June 30, 1953, for the governor's mansion:

FROM THE GENERAL FUND

For operation, two thousand one hundred two dollars and fifty cents.....\$2,102.50

For capital, four hundred fifty dollars.....\$ 450.00

For repairs and replacements, nine hundred fifty one dollars and fifty cents.....\$ 951.50

Section 2. The appropriation herein provided shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 25, 1953.

HOUSE BILL NO. 243

An Act to Appropriate Money for Certain Deficiency Claims Arising for Obligations Incurred by the 1951 Legislative Assembly of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sum, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purpose of paying the following deficiency claims arising for obligations incurred by the 1951 legislative assembly:

FROM THE GENERAL FUND

For obligations incurred by the 1951 legislative assembly, five thousand two hundred twenty six dollars and seventy three cents (\$5,226.73) more particularly itemized as follows:

State Publishing Company, senate journal.....\$5,226.73

Section 2. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

THIRTY-THIRD LEGISLATIVE ASSEMBLY

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 16, 1953.

HOUSE BILL NO. 262

An Act to Appropriate Money for the Commission on Investigation of Contract Awards as Created by the Legislative Assembly of Montana; to Provide Money for the Complete Review and Investigation of All Contracts Awarded by the State of Montana and to Report and Recommend a Program of Improvement and Report Any Violations of the Laws of Montana; to Provide for Necessary Expenses of Such Review and Investigation.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sum, or so much thereof as may necessary, be, and the same is hereby appropriated out of the general fund, or any other monies not otherwise appropriated in the state treasury, for the following purposes:

For actual traveling and other expenses of the commission on investigation of contract awards, twenty thousand dollars \$20,000

Section 2. That the appropriation herein provided shall be deemed valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 4, 1953.

HOUSE BILL NO. 263

An Act to Appropriate Money for the Purchase of Cumulative Pocket Supplements of 1953, for the Revised Codes of Montana, 1947.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sum or sums or so much thereof as may be necessary, be, and the same are hereby appropriated, for the purchase of cumulative pocket supplements of 1953, for the Revised Codes of Montana, 1947, as follows:

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FROM THE GENERAL FUND

375 sets cumulative pocket supplements for 1953, for the Revised Codes of Montana, 1947, at twelve dollars and fifty cents (\$12.50) per set, four thousand six hundred eighty-seven dollars and fifty cents.....\$4,687.50

Section 2. The appropriation herein provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 16, 1953.

HOUSE BILL NO. 309

An Act Authorizing the State Board of Examiners to Hear, Audit and Determine the Claim of Robert E. Wright for Expenses Incurred in Relation to His Injury, and Appropriating Money From the General Fund for the Settlement of Such Claim Not to Exceed the Sum of Seven Thousand Five Hundred Dollars (\$7,500.00).

Be it enacted by the Legislative Assembly of the State of Montana:

WHEREAS, Patrolman Robert E. Wright of Dillon, Montana, commenced his service with, and at the inception of, the Montana highway patrol in the year 1935, and has there served since that time with meritorious distinction; and

WHEREAS, on the 19th day of September, 1951, said Patrolman Wright, while performing his duties in the employment of the State of Montana, apprehended one Charles Greenhalgh in possession of a stolen automobile; and

WHEREAS, said Patrolman Wright valiantly and with complete disregard for his own personal safety and with great courage and commendable devotion to duty engaged in a gun battle with said Greenhalgh; and

WHEREAS, said engagement resulted in the wounding and capturing of said Greenhalgh, and the sustaining by said Patrolman Wright of severe injuries; and

WHEREAS, said Patrolman Wright is permanently and totally disabled, being completely paralyzed below the midthorax, and has been caused to expend, and shall be required to expend in the future, large sums for medical and hospital services; and

THIRTY-THIRD LEGISLATIVE ASSEMBLY

WHEREAS, said Patrolman Wright shall be forever confined to a wheel chair which shall necessitate the expenditure of considerable moneys to remodel his family home in Dillon, Montana; and

WHEREAS, said expenses are in excess of Patrolman Wright's ability to pay; and

WHEREAS, a claim has been duly submitted on behalf of said Patrolman Wright with the state board of examiners alleging that by reason of his injuries so incurred he has been caused to expend, and will be caused to expend, moneys considerable in excess of seven thousand five hundred dollars (\$7,500.00);

NOW, THEREFORE,

Section 1. The said state board of examiners is hereby authorized to hear, audit and determine the said claim of Robert E. Wright, and to approve and allow so much of said claim as said state board of examiners finds just and equitable in full settlement thereof;

Provided, however, that the claim of said Robert E. Wright shall not be allowed or approved by said state board of examiners for any amount in excess of seven thousand five hundred dollars (\$7,500.00).

Section 2. That the sum of seven thousand five hundred dollars (\$7,500.00), or so much thereof as may be necessary, is hereby appropriated out of any money in the general fund, not otherwise appropriated, for the purpose of paying such part of said claim of Robert E. Wright as said board of examiners may find just and equitable; provided, further, that no part of said money shall be paid to said Robert E. Wright except in final and complete settlement of his said claim.

Section 3. The appropriation hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved February 28, 1953.

HOUSE BILL NO. 336

An Act to Appropriate Money for the Payment of Certain Deficiency Claims Arising From Obligations Incurred by the Mon-

SESSION LAWS

tana Highway Patrol, the State Board of Equalization, the Transportation of Prisoners, the Unamerican Activities Committee, the Capitol Custodian, the State Library Extension Commission, the State Orphans' Home, the Governor's Office for Requisitions, the Department of Public Instruction, the State Training School, the Secretary of State, the Water Conservation Board, the Attorney General, the State Forester, and the Montana State College.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purpose of paying the following deficiency claims:

FROM THE GENERAL FUND

For obligations incurred by the Montana highway patrol, ten thousand three hundred eight dollars and sixty cents (\$10,308.60), more particularly itemized as follows:

Montana highway commission.....	\$1,720.75
For patrol expenses.....	\$ 230.83
For board of prisoners.....	\$8,357.02

For obligations incurred by the state board of equalization, six hundred fifty-eight dollars and ninety-two cents (\$658.92), more particularly itemized as follows:

Estate of Leila Battleson, deceased.....	\$ 452.53
Industrial accident board.....	\$ 165.96
Public employees retirement system.....	\$ 40.43

For obligations incurred by the transportation of prisoners, five hundred five dollars and fourteen cents (\$505.14), more particularly itemized as follows:

Sheriff R. D. MacLean, Missoula county.....	\$ 36.24
Sheriff Frank O. Hartley, Yellowstone county.....	\$ 52.55
Sheriff C. O. Dunstall, Toole county.....	\$ 49.54
Sheriff Val G. Schwan, Yellowstone county.....	\$ 58.90
Sheriff Sig Cusker, McCone county.....	\$ 53.18
Sheriff B. E. Richter, Valley county.....	\$ 103.08
Sheriff Floyd E. Dowlin, Rosebud county.....	\$ 82.55
Sheriff D. J. Leeper, Cascade county.....	\$ 35.80
Sheriff Fred White, Jr., Park county.....	\$ 33.30

For obligations incurred by the unamerican activities committee, two hundred nine dollars and thirty-one cents (\$209.31), more particularly itemized as follows:

THIRTY-THIRD LEGISLATIVE ASSEMBLY

Representative Fred E. Barrett.....	\$ 47.25
Representative Earl C. Ammerman.....	\$ 36.04
Representative E. V. Omholt.....	\$ 32.76
Representative R. H. Gebhardt.....	\$ 52 10
Representative R. H. Wiedman.....	\$ 41.16

For obligations incurred by the capitol custodian, three thousand three hundred twenty-seven dollars and sixty-four cents (\$3,327.64), more particularly itemized as follows:

Art Mergenthaler.....	\$ 15.00
Industrial accident board.....	\$ 193.54
Montana Power Company.....	\$3,119.10

For obligations incurred by the attorney general, one hundred seventy-five dollars and thirty cents (\$175.30), more particularly itemized as follows:

Northern Pacific Railway Company.....	\$ 175.30
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For obligations incurred by the state library extension commission, two dollars and fifty-one cents (\$2.51), more particularly itemized as follows:

Industrial accident board.....	\$ 2.51
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For obligations incurred by the state orphans' home, six hundred sixty-three dollars and thirty-seven cents (\$663.37), more particularly itemized as follows:

Water conservation board.....	\$ 646.27
Public employees retirement system.....	\$ 17.10

For obligations incurred by the governor's office for requisitions, three hundred forty-four dollars and twenty-three cents (\$344.23), more particularly itemized as follows:

Sheriff George M. Hartsell, Deer Lodge county.....	\$ 344.23
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For obligations incurred by the department of public instruction, four hundred ninety-five dollars and eleven cents (\$495.11), more particularly itemized as follows:

Mileage and per diem of board members.....	\$ 495.11
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For obligations incurred by the state training school, one hundred ninety dollars and sixteen cents (\$190.16), more particularly itemized as follows:

Public employees retirement system.....	\$ 190.16
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For obligations incurred by the secretary of state, forty-seven dollars and nineteen cents (\$47.19), more particularly itemized as follows:

Public employees retirement system.....	\$ 47.19
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SESSION LAWS

For obligations incurred by the water conservation board, one hundred five dollars and forty-two cents (\$105.42), more particularly itemized as follows:

Public employees retirement system.....\$ 105.42

For obligations incurred by the state forester, one hundred fifty-four dollars and sixty-six cents (\$154.66), more particularly itemized as follows:

Public employees retirement system.....\$ 154.66

FROM THE UNIVERSITY MILLAGE FUND

For obligations incurred by the Montana state college, one hundred eighty-four dollars and twenty-eight cents (\$184.28), more particularly itemized as follows:

Public employees retirement system.....\$ 184.28

Section 2. The appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1953.

HOUSE BILL NO. 361

An Act to Appropriate Money for the Operation, Maintenance and Other Purposes as Designated Herein, for Certain State Departments and Offices for the Period Beginning July 1, 1953, and Ending June 30, 1955.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. For the purpose of this act, unless otherwise required by the context:

(1) The term "salaries" means the compensation paid in consideration of services rendered to all regularly elected or appointed officers or employees, or employees whose duties are of a continuous nature. No part of this appropriation shall be used to pay any salary in excess of that which may be specifically fixed by law. It does not mean wages or compensation paid in consideration of services rendered temporary employees and for persons appointed or hired for a period of less than one (1) month, the payment of which is hereby made a proper charge from funds appropriated for "operation".

THIRTY-THIRD LEGISLATIVE ASSEMBLY

(2) The term "capital" unless otherwise designated or defined, means all articles, fixtures and goods of a permanent nature, but, in no event shall the term "capital" mean buildings or purchase of lands, unless specifically defined herein. Store supplies shall have the same limitations.

(3) The term "repairs" means the amount to be paid for the repair of any capital asset, including buildings or lands.

(4) The term "replacements" means the amount to be paid for the replacing of any capital asset, as defined in paragraph (2) above, by the purchase of a new one to take its place by reason of the original being worn out or broken.

(5) The term "operation" means all other expenditures which are necessary for the operation of the department, board, bureau, commission or institution to which the appropriation applies, including wages of employees paid to temporary employees for work not considered of a continuous nature.

(6) The term "salaries and expenses" means any expenses, including salaries, capital, repairs and replacements and operation, as defined above.

(7) The term "expense" means any expense defined above, with the exception of salaries.

(8) The appropriations contained in this act are intended to provide only necessary expenditures for the year for which the appropriation is provided. All claims for such expenditures must be presented for payment not later than thirty (30) days after the close of the fiscal year. Supplies purchased for a succeeding year are in violation of this act. In cases of necessity, appropriations may be used for either year, provided, however, that any unexpended balances at the end of the second year shall revert to the funds from which they were appropriated.

(9) When reference is made herein to any chapter or section of the laws of Montana, said reference shall include any and all laws amendatory thereto.

Section 2. That the following sums or so much thereof as may be found necessary, be, and the same are hereby appropriated out of any monies in the state treasury, and from special funds enumerated herein not otherwise appropriated for the objects and purposes hereinafter expressed for the period beginning July 1, 1953, and ending June 30, 1954.

SESSION LAWS

GOVERNOR'S OFFICE

From the general fund:

For salaries, twenty-four thousand dollars	\$24,000.00
For capital, repairs and replacements, four hundred twenty-five dollars	\$ 425.00
For operation, three thousand one hundred fifty-seven dollars	\$ 3,157.00
For public employees' retirement system, five hundred seventy-eight dollars	\$ 578.00
For requisitions, seven thousand dollars	\$ 7,000.00

GOVERNOR'S MANSION OR HOME

From the general fund:

For salaries and expenses, seven thousand five hundred twenty-five dollars	\$ 7,525.00
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SECRETARY OF STATE

From the general fund:

For salaries, twenty-seven thousand eight hundred thir- ty dollars	\$27,830.00
For capital, repairs and replacements, seven hundred dollars	\$ 700.00
For operation, four thousand two hundred seventy dollars	\$ 4,270.00
For salaries and expenses necessary for the conduct of elections, publishing constitutional amendments, initiative and referendum measures, printing and binding election laws, two thousand five hundred dollars	\$ 2,500.00
For public employees' retirement system, nine hundred fifty dollars	\$ 950.00

ATTORNEY GENERAL

From the general fund:

For salaries, fifty three thousand dollars	\$53,000.00
For capital, repairs and replacements, seven hundred fifty dollars	\$ 750.00

THIRTY-THIRD LEGISLATIVE ASSEMBLY

For operation, twelve thousand six hundred twenty dollars\$12,620.00

For public employees' retirement system, one thousand six hundred dollars\$ 1,600.00 °

For salaries and expenses, special investigator, eighteen thousand dollars\$18,000.00

STATE TREASURER

From the general fund:

For salaries, twenty-one thousand seven hundred twenty-eight dollars\$21,723.00

For capital, repairs and replacements, three hundred dollars\$ 300.00

For operation, two thousand five hundred thirty-five dollars\$ 2,535.00

For public employees' retirement system, seven hundred twenty-five dollars\$ 725.00

STATE AUDITOR

Auditor's Division

From the general fund:

For salaries, twenty-three thousand nine hundred dollars\$23,900.00

For capital, repairs and replacements, two thousand fifty dollars\$ 2,050.00

For operation, four thousand five hundred five dollars..\$ 4,505.00

For public employees' retirement system, two thousand five hundred dollars\$ 2,500.00

From the highway fund:

For salaries and operation, eight thousand four hundred dollars\$ 8,400.00

Insurance Department

From the general fund:

For salaries, twenty-one thousand five hundred dollars..\$21,500.00

For capital, repairs and replacements, one hundred fifty dollars\$ 150.00

SESSION LAWS

For operation, six thousand five hundred dollars\$ 6,500.00

Insurance Rating

From the general fund:

For salaries and expenses, five thousand two hundred
thirty-five dollars\$ 5,235.00

Investment Commissioner

From the general fund:

For salaries, six thousand seven hundred dollars\$ 6,700.00

For operation, nine hundred twenty dollars\$ 920.00

Fire Marshal Division

From the general fund:

For salaries and expenses, thirteen thousand nine hun-
dred ninety dollars\$13,990.00

From the firemen's disability fund:

For the payment of the distribution of the firemen's disability
fund, as provided in Section 11-1919 of the Revised Codes of Mon-
tana, 1947, an appropriation sufficient to meet the requirements as
provided by law.

SUPERINTENDENT OF PUBLIC INSTRUCTION

From the general fund:

For salaries, twenty-nine thousand eight hundred dol-
lars\$29,800.00

For capital, repairs and replacements, one thousand
dollars\$ 1,000.00

For operation, nine thousand eight hundred fifteen dol-
lars\$ 9,815.00

For public employees' retirement system, six hundred
forty-six dollars\$ 646.00

For teachers' retirement, six hundred one dollars\$ 601.00

School Supervisors

From the general fund:

For salaries, thirteen thousand eight hundred dollars\$13,800.00

THIRTY-THIRD LEGISLATIVE ASSEMBLY

For travel, three thousand dollars\$ 3,000.00
For teachers' retirement, four hundred eighty-five dol-
lars\$ 485.00

Supervised Correspondence School

From the public school equalization fund:

For salaries and expenses, thirty-five thousand one hun-
dred eight dollars\$35,108.00

For public employees' retirement system, two hundred
forty dollars\$ 240.00

For teachers' retirement, seven hundred ninety dollars..\$ 790.00

For capital, repairs and replacements, three hundred
seventy dollars\$ 370.00

For sight saving textbooks, one thousand dollars\$ 1,000.00

School Lunch Program

From the public school equalization fund:

For salaries and expenses, fourteen thousand sixty dol-
lars\$14,060.00

For public employees' retirement system, four hundred
twenty dollars\$ 420.00

There is hereby appropriated from the public school equalization
fund the sum of eighteen thousand dollars (\$18,000.00) for a re-
volving fund for the biennium to cover the handling charges of
commodities to districts, to be reimbursed by such districts.

Certification Department

From the general fund:

For salaries and expenses, one thousand dollars\$ 1,000.00

From the teachers' certificate fund:

As much as may be necessary to pay all lawful claims, as provided
by law.

Textbook License Division

From the textbook license fund:

As much as may be necessary to pay all lawful claims, as provided
by law.

SESSION LAWS

SUPREME COURT

From the general fund:

For salaries, seventy-two thousand five hundred dollars\$72,500.00

For capital, repairs and replacements, seven hundred eighty dollars\$ 780.00

For operation, nine thousand seven hundred forty dollars\$ 9,740.00

For public employees' retirement system, one thousand nine hundred dollars\$ 1,900.00

Attorneys' Licensing Board

From attorneys' licensing fund:

As much as may be necessary to pay all lawful claims, as provided by law.

RAILROAD COMMISSION

From the general fund:

For salaries, sixty-nine thousand nine hundred ten dollars\$69,910.00

For capital, repairs and replacements, seven hundred dollars\$ 700.00

For operation, twenty-six thousand six hundred twenty-one dollars\$26,621.00

For public employees' retirement system, two thousand six hundred fifty dollars\$ 2,650.00

For pleading interstate commerce commission and court expense, one thousand five hundred seventy-five dollars....\$ 1,575.00

Section 3. The sum of three thousand dollars (\$3,000.00) heretofore appropriated by the thirty-second legislative assembly in house bill No. 454 as a revolving fund for the biennium to cover handling charges of commodities to districts, to be reimbursed by such districts under the school lunch program, shall revert to the public school equalization fund from which it was previously appropriated.

Section 4. That the following sums or so much thereof as may be found necessary, be, and the same are hereby appropriated out of any monies in the state treasury, and from special funds enumerated

THIRTY-THIRD LEGISLATIVE ASSEMBLY

herein not otherwise appropriated for the objects and purposes hereinafter expressed for the period beginning July 1, 1954, and ending June 30, 1955.

GOVERNOR'S OFFICE

From the general fund:

For salaries, twenty-four thousand dollars	\$24,000.00
For capital, repairs and replacements, one hundred twenty-five dollars	\$ 125.00
For operation, three thousand fifty-seven dollars	\$ 3,057.00
For public employees' retirement system, five hundred seventy-eight dollars	\$ 578.00
For requisitions, five thousand dollars	\$ 5,000.00

GOVERNOR'S MANSION OR HOME

From the general fund:

For salaries and expenses, seven thousand five hundred twenty-five dollars	\$ 7,525.00
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SECRETARY OF STATE

From the general fund:

For salaries, twenty-seven thousand two hundred thirty dollars	\$27,230.00
For capital, repairs and replacements, three hundred dollars	\$ 300.00
For operation, three thousand four hundred seventy dollars	\$ 3,470.00
For salaries and expenses necessary for the conduct of elections, publishing constitutional amendments, initiative and referendum measures, printing and binding election laws, twenty-one thousand dollars	\$21,000.00
For public employees' retirement system, nine hundred fifty dollars	\$ 950.00

ATTORNEY GENERAL

From the general fund:

For salaries, fifty-three thousand dollars	\$53,000.00
For capital, repairs and replacements, six hundred fifty dollars	\$ 650.00

SESSION LAWS

For operation, eight thousand nine hundred twenty dollars\$ 8,920.00

For public employees' retirement system, one thousand six hundred dollars\$ 1,600.00

For salaries and expenses, special investigator, eighteen thousand dollars\$18,000.00

STATE TREASURER

From the general fund:

For salaries, twenty-one thousand seven hundred twenty-eight dollars\$21,728.00

For capital, repairs and replacements, one hundred dollars\$ 100.00

For operation, two thousand five hundred twenty-five dollars\$ 2,525.00

For public employees' retirement system, seven hundred twenty-five dollars\$ 725.00

STATE AUDITOR

Auditor's Division

From the general fund:

For salaries, twenty-three thousand nine hundred dollars\$23,900.00

For capital, repairs and replacements, one thousand fifty dollars\$ 1,050.00

For operation, seven thousand eight hundred fifty-five dollars\$ 7,855.00

For public employees' retirement system, two thousand five hundred dollars\$ 2,500.00

From the highway fund:

For salaries and operation, eight thousand four hundred dollars\$ 8,400.00

INSURANCE DEPARTMENT

From the general fund:

For salaries, twenty-one thousand five hundred dollars..\$21,500.00

THIRTY-THIRD LEGISLATIVE ASSEMBLY

For capital, repairs and replacements, one hundred fifty
dollars\$ 150.00
For operation, one thousand seven hundred dollars\$ 1,700.00

INSURANCE RATING

From the general fund:
For salaries and expenses, five thousand one hundred
eighty-five dollars\$ 5,185.00

INVESTMENT COMMISSIONER

From the general fund:
For salaries, six thousand seven hundred dollars\$ 6,700.00
For operation, four hundred seventy dollars\$ 470.00

FIRE MARSHAL DIVISION

From the general fund:
For salaries and expenses, twelve thousand two hun-
dred ninety dollars\$12,290.00

FROM THE FIREMEN'S DISABILITY FUND

For the payment of the distribution of the firemen's disability
fund, as provided in Section 11-1919 of the Revised Codes of Mon-
tana, 1947, an appropriation sufficient to meet the requirements as
provided by law.

SUPERINTENDENT OF PUBLIC INSTRUCTION

From the general fund:
For salaries, twenty-nine thousand eight hundred dol-
lars\$29,800.00
For capital, repairs and replacements, eight hundred
dollars\$ 800.00
For operation, nine thousand eight hundred twenty-five
dollars\$ 9,825.00
For public employees' retirement system, six hundred
ninety-seven dollars\$ 697.00
For teachers' retirement, six hundred eight dollars\$ 608.00

School Supervisors

From the general fund:
For salaries, thirteen thousand eight hundred dollars\$13,800.00

SESSION LAWS

For travel, three thousand dollars\$ 3,000.00
For teachers' retirement, four hundred eighty-five dol-
lars\$ 485.00

Supervised Correspondence School

From the public school equalization fund:

For salaries and expenses, thirty-five thousand one hun-
dred eight dollars\$35,108.00

For public employees' retirement system, two hundred
forty dollars\$ 240.00

For teachers' retirement, seven hundred ninety dollars..\$ 790.00

School Lunch Program

From the public school equalization fund:

For salaries and expenses, fourteen thousand two hun-
dred fifty dollars\$14,250.00

For public employees' retirement system, four hundred
twenty dollars\$ 420.00

Certification Department

From the general fund:

For salaries and expenses, one thousand dollars\$ 1,000.00

From the teachers' certificate fund:

As much as may be necessary to pay all lawful claims, as provided
by law.

Text Book License Division

From the text book license fund:

As much as may be necessary to pay all lawful claims, as provided
by law.

SUPREME COURT

From the general fund:

For salaries, seventy-two thousand five hundred dol-
lars\$72,500.00

For capital, repairs and replacements, one hundred
sixty dollars\$ 160.00

THIRTY-THIRD LEGISLATIVE ASSEMBLY

For operation, nine thousand two hundred forty dollars\$ 9,240.00

For public employees' retirement system, one thousand nine hundred dollars\$ 1,900.00

Attorneys' Licensing Board

From attorneys' licensing fund:

As much as may be necessary to pay all lawful claims as provided by law.

RAILROAD COMMISSION

From the general fund:

For salaries, sixty-nine thousand nine hundred ten dollars\$69,910.00

For capital, repairs and replacements, six hundred dollars\$ 600.00

For operation, twenty-six thousand eight hundred sixty-one dollars\$26,861.00

For public employees' retirement system, two thousand six hundred fifty dollars\$ 2,650.00

For pleading interstate commerce commission and court expense, one thousand fifty dollars\$ 1,050.00

Section 5. It is further provided that all appropriations contained herein shall be used for the purposes designated and no other, and wherein appropriations are made for subdivisions, the appropriations given are not interchangeable between divisions, and the definitions given in section 1 of this act shall govern all appropriations.

Section 6. Appropriations contained herein shall not be used for travel to conventions, teachers' meetings, association meetings or gatherings of like character, wherein the said meetings are held outside of the State of Montana, except by special permission of the state board of examiners who may deem it necessary for attendance on such meetings. The state board of examiners shall spread on its minutes the reasons for its permission.

Approved March 11, 1953, with specific exceptions noted in attached letter to-wit:

SESSION LAWS

STATE OF MONTANA
OFFICE OF THE GOVERNOR
HELENA

J. Hugo Aronson
Governor

March 11, 1953.

Hon. Sam W. Mitchell
Secretary of State

Sir:

House bill No. 361 is transmitted herewith without my approval as to the following specific items of appropriation:

In section 2, page 4, of the appropriations for the attorney general from the general fund for the period beginning July 1, 1953 and ending July 1, 1954 — "For salaries and expenses, special investigator, eighteen thousand dollars.....\$18,000.00"

In section 4, page 10 of the appropriations for the attorney general from the general fund for the period beginning July 1, 1954 and ending July 1, 1955 — "For salaries and expenses, special investigator, eighteen thousand dollars.....\$18,000.00.

I have given my approval to the balance of the bill. My objections to the specific items vetoed above are that the identical appropriations are made in house bill No. 370 for the state board of examiners, of which the attorney general is a member; and upon examining the amendments as made on the floor of the legislature it is obvious that an error was made in enrolling; and that the legislature intended this item to appear only in the appropriation for the state board of examiners.

J. Hugo Aronson,
Governor.

HOUSE BILL NO. 363

An Act to Reappropriate Such Balances of Money as May Remain on June 30, 1953, in Certain Specific Appropriations Made From the General Fund Under Certain Specific Provisions of House Bill No. 447 of the Thirty-first Legislative Assembly for the Eastern Montana College of Education and Reappropriated Under House Bill No. 239 of the Thirty-second Legislative Assembly.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There is hereby reappropriated, and this does hereby appropriate, for the period beginning July 1, 1953, and ending

THIRTY-THIRD LEGISLATIVE ASSEMBLY

June 30, 1955, for the eastern Montana college of education, designated in house bill No. 447 as eastern Montana normal college, such balance of the one hundred thirty-eight thousand dollars (\$138,000.00) as may remain on hand June 30, 1953, as was appropriated by house bill No. 447 of the thirty-first legislative assembly, and reappropriated by house bill No. 239 of the thirty-second legislative assembly, from the general fund to the said eastern Montana college of education for salaries and expenses for the special commercial and shop educational departments, repairs to gymnasium, tower and laboratory school roofs, repairs to and interior decorating of administration building, pointing up brick on administration building, purchase of library books, purchase of furniture and equipment for science building, installation of electrical substations and power lines, development of parking lot, sports and recreation field improvement, landscaping and fencing irrigation ditch and campus irrigation.

Section 2. The appropriated balance hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act, and shall be used exclusively for the specific purposes in this act provided for and no other.

Approved March 4, 1953.

HOUSE BILL NO. 365

An Act Appropriating Money From the General Fund for the Operation and Maintenance of the State Industrial School for the Year Ending June 30, 1953, the Appropriations Made Therefor by the Thirty-second Legislative Assembly Having Been Found to be Insufficient.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purposes hereinafter expressed, for the year ending June 30, 1953, the appropriations made by the thirty-second legislative assembly having been found to be insufficient:

FOR THE STATE INDUSTRIAL SCHOOL

From the general fund:

For salaries, thirty nine thousand dollars\$39,000.00

SESSION LAWS

For administrative expense, four thousand five hundred dollars\$ 4,500.00

For repairs and replacements, one hundred fifty dollars\$ 150.00

For educational system expense, one thousand one hundred twenty dollars\$ 1,120.00

For physical plant, ten thousand five hundred twenty-one dollars and fifty cents\$10,521.50

For supplies and expenses for the farm, ten thousand six hundred fifty dollars\$10,650.00

For subsistence, eleven thousand dollars\$11,000.00

For unpaid claims, fifty-three thousand dollars\$53,000.00

For teachers' retirement system, two hundred eighty dollars\$ 280.00

For public employees' retirement system, one thousand five hundred fifty dollars\$ 1,550.00

Salaries for a couple for cottage parents in the new cottage and for two additional employees for night surveillance in cottages for three months, two thousand dollars\$ 2,000.00

Section 2. The appropriations contained in this act are intended to provide only necessary expenditures for the year ending June 30, 1953. All claims for such expenditures must be presented for payment not later than thirty (30) days after June 30, 1953. Supplies purchased for the period succeeding June 30, 1953, are in violation of this act. Any unexpended balances from the appropriations hereby made remaining on hand on June 30, 1953, shall revert to the general fund.

Section 3. The appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1953.

THIRTY-THIRD LEGISLATIVE ASSEMBLY

HOUSE BILL NO. 366

An Act to Appropriate Money for the Purpose of Paying Expenses, as Designated Herein, for the Montana Highway Patrol, the Board of Railroad Commissioners, the Industrial Accident Board, the Attorney General, the State Controller, the State Forester, the Governor's Office, the Director of Civil Defense, the Commissioner of State Lands and Investments, the State Orphans' Home, the Montana Soldiers' Home, the State Library Extension Commission, the Department of Public Instruction, the District Judges, the County Attorneys, the Eastern Montana College of Education, the Montana State Hospital, and the Department of Labor and Industry for the Remainder of the Current Fiscal Year Ending June 30, 1953; for the Montana State Prison, for the Period Beginning March 1, 1953, and Ending December 31, 1953.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purposes hereinafter expressed for the current biennium ending June 30, 1953:

MONTANA HIGHWAY PATROL

From the general fund:

For expenses, fifty-two thousand six hundred dollars\$52,600.00

For the highway patrol school, two thousand dollars\$ 2,000.00

Motor Vehicle Safety Responsibility Division

From the general fund:

For salaries and expenses, six thousand three hundred
fifty dollars\$6,350.00

BOARD OF RAILROAD COMMISSIONERS

From the general fund:

For operation, nine hundred twenty-nine dollars and
seventeen cents\$ 929.17

INDUSTRIAL ACCIDENT BOARD

From the general fund:

SESSION LAWS

For salaries, twenty-three thousand six hundred forty dollars\$23,640.00

For expenses, five thousand three hundred dollars\$ 5,300.00

ATTORNEY GENERAL

From the general fund:

For salaries, two thousand six hundred fifty-two dollars and fifty-seven cents\$ 2,652.57

For expenses, one thousand seven hundred nineteen dollars and seventy-seven cents\$ 1,719.77

For salaries and expenses, special investigator, three thousand dollars\$ 3,000.00

For Reely's Transfer, Missoula, Montana, five hundred dollars\$ 500.00

STATE CONTROLLER

Budget Division

From the general fund:

For expenses, three thousand five hundred nine dollars and sixty-one cents\$ 3,509.61

STATE FORESTER

From the general fund:

For public employees' retirement system, four thousand five hundred dollars\$ 4,500.00

For expenses, two thousand three hundred eighty-nine dollars and eighty-seven cents\$ 2,389.87

GOVERNOR'S OFFICE

From the general fund:

For salaries, three thousand three hundred fifty dollars\$ 3,350.00

DIRECTOR OF CIVIL DEFENSE

From the general fund:

For salaries and expenses, three thousand five hundred dollars\$ 3,500.00

STATE ORPHANS' HOME

From the general fund:

THIRTY-THIRD LEGISLATIVE ASSEMBLY

For expenses, six thousand three hundred eighty-five dollars and thirty-four cents\$ 6,385.34

For teachers' retirement, two hundred six dollars and fifty-one cents\$ 206.51

COMMISSIONER OF STATE LANDS AND INVESTMENTS

From the general fund:

For clerical salaries, seven thousand eight hundred eighteen dollars\$ 7,818.00

For expenses, one thousand six hundred thirty-six dollars and thirty-three cents\$ 1,636.33

Field Agent's Department

From the general fund:

For salaries and expenses, seven thousand three hundred twenty-five dollars\$ 7,325.00

MONTANA SOLDIERS' HOME

From the general fund:

For public employees' retirement system, four hundred fifty dollars\$ 450.00

STATE LIBRARY EXTENSION COMMISSION

From the general fund:

For public employees' retirement system, one hundred thirty-two dollars and twelve cents\$ 132.12

For expenses, one hundred ninety-five dollars and sixty cents\$ 195.60

STATE DEPARTMENT OF PUBLIC INSTRUCTION

From the general fund:

For public employees' retirement system and teachers' retirement system, five hundred sixty-five dollars\$ 565.00

DISTRICT JUDGES

From the general fund:

For salaries, sixteen thousand nine hundred thirteen dollars and seventy-nine cents\$16,913.79

SESSION LAWS

COUNTY ATTORNEYS

From the general fund:

For salaries, eighteen thousand nine hundred twenty-four dollars and sixty-five cents\$18,924.65

EASTERN MONTANA COLLEGE OF EDUCATION

From the general fund:

For teachers' retirement system, seven hundred seventy-two dollars and thirty-five cents\$ 772.35

For public employees' retirement system, eight hundred ten dollars and eighty-six cents\$ 810.86

MONTANA STATE HOSPITAL

From the general fund:

For public employees' retirement system, twenty-two thousand four hundred thirty-nine dollars and forty-one cents\$22,439.41

For teachers' retirement system, eight hundred ninety dollars\$ 890.00

DEPARTMENT OF LABOR AND INDUSTRY

From the general fund:

For salaries, one thousand seven hundred thirty-three dollars and forty-seven cents\$ 1,733.47

Section 2. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purposes hereinafter expressed for the period ending December 31, 1953:

MONTANA STATE PRISON

From the general fund:

For salaries and general administrative expenses, twenty thousand dollars\$20,000.00

For public employees' retirement system, three thousand one hundred and seventy dollars\$ 3,170.00

For steel fence to enclose the prison grounds, fifteen thousand dollars\$15,000.00

THIRTY-THIRD LEGISLATIVE ASSEMBLY

For a cement block machine, six hundred dollars\$ 600.00

For expense in connection with the inauguration of
prison industry program, two thousand dollars\$ 2,000.00

Section 3. The appropriations herein provided shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved March 11, 1953.

HOUSE BILL NO. 367

An Act to Appropriate Money for the Operation and Maintenance and for Other Purposes Designated Herein for the Several Units of the University of Montana, Known as Montana State University, Montana State College, Experiment Station and Substations, Extension Service, Montana School of Mines, Western Montana College of Education at Dillon, Eastern Montana College of Education at Billings, and Northern Montana College at Havre, and for Student Fare Refunds for the Period Beginning July 1, 1953, and Ending June 30, 1955.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. For the purpose of this act, unless otherwise required by the context:

(1) The term "salaries" means the compensation paid in consideration of services rendered to all regularly elected or appointed officers or employees whose duties are of a continuous nature. It does not mean wages or compensation paid in consideration of services rendered to temporary employees and for persons appointed or hired for a period of less than one month, the payment of which is hereby made a proper charge from funds appropriated for "operation."

(2) The term "capital" unless otherwise designated or defined, means all articles, fixtures and goods of a permanent nature, but in no event, shall the term "capital" mean buildings or purchase of lands, unless specifically defined herein. Store supplies shall have the same limitations.

(3) The term "repairs" means the amount to be paid for repair of any capital asset, including buildings or lands.

SESSION LAWS

(4) The term "replacements" means the amount to be paid for the replacing of any capital asset, as defined in paragraph (2) above, by the purchase of a new one to take its place by reason of the original being worn out or broken.

(5) The term "operation" means all other expenditures which are necessary for the operation of the department, board, bureau, commission or institution to which the appropriation applies, including wages of employees paid to temporary employees for work not considered of a continuous nature.

(6) The term "salaries and expenses" means any expense, including salaries, capital repairs and replacements and operation, as defined above.

(7) The term "expense" means any expense defined above, with the exception of salaries.

(8) The appropriations contained in this act are intended to provide only necessary expenditures for the year for which the appropriation is provided. All claims for such expenditures must be presented for payment not later than thirty (30) days after the close of the fiscal year. Supplies purchased for a succeeding year are in violation of this act. In cases of necessity, appropriations may be used for either year, provided, however, that any unexpended balances at the end of the second year shall revert to the funds from which they were appropriated.

(9) When reference is made herein to any chapter or section of the laws of Montana said reference shall include any and all laws amendatory thereto.

Section 2. That the following sums or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the state treasury, and from special funds enumerated herein, not otherwise appropriated, for the objects and purposes hereinafter expressed, for the period beginning July 1, 1953, and ending June 30, 1954.

MONTANA STATE UNIVERSITY AT MISSOULA

From the university millage fund:

For salaries and expenses, one million two hundred fifty-three thousand and sixty-nine dollars\$ 1,253,069.00

For salaries and expenses, forest conservation experiment station, seventeen thousand nine hundred sixty-two dollars\$ 17,962.00

THIRTY-THIRD LEGISLATIVE ASSEMBLY

For teachers' retirement system, as much as may be necessary, not exceeding thirty-six thousand dollars\$ 36,000.00

For public employees' retirement system, as much as may be necessary, not exceeding twelve thousand five hundred dollars\$ 12,500.00

From the general fund:

In addition to the above appropriations, there is hereby appropriated from the general fund for salaries and expenses, in lieu of fees and collections, one hundred sixty-eight thousand dollars\$ 168,000.00 provided, however, that no claims shall be paid from this appropriation that would exceed, in the aggregate, the amount of fees and collections deposited with the state treasurer to the credit of the general fund for that fiscal year, or the appropriations herein provided.

In addition to the foregoing appropriations there is hereby appropriated from the general fund for salaries and expenses, to supplement appropriations from the university millage fund, four hundred twenty-eight thousand one hundred thirty-seven dollars\$ 428,137.00

In addition to the above appropriations, there is hereby appropriated from the general fund for maintenance of present instructional accreditation in the law school, forestry school, and pharmacy school and for replacement of the journalism building roof, eighty-three thousand five hundred dollars\$ 83,500.00

In addition to the above appropriations, there is hereby appropriated from the general fund for the forestry nursery, seven thousand three hundred fifty dollars\$ 7,350.00

In addition to the foregoing appropriations, all earnings of the forest experiment station and all federal or trust funds received or to be received are hereby appropriated for the forest conservation experiment station.

There is hereby appropriated for the use and benefit of the state university, all income from land grants, endowments, trust funds, and federal grants which may be received and in addition, all balances on hand to be used for the purposes for which funds were accumulated or given.

SESSION LAWS

MONTANA STATE COLLEGE AT BOZEMAN

From the university millage fund:

For salaries and expenses, one million sixty-three thousand fifty-one dollars\$ 1,063,051.00

For salaries and expenses of the engineering experiment station, ten thousand five hundred dollars.....\$ 10,500.00

For teachers' retirement system, as much as may be necessary, not exceeding thirty-six thousand dollars....\$ 36,000.00

For public employees' retirement system, as much as may be necessary, not exceeding sixteen thousand five hundred dollars\$ 16,500.00

From the general fund:

In addition to the above appropriations, there is hereby appropriated from the general fund for salaries and expenses, in lieu of fees and collections, one hundred fifty-five thousand dollars.....\$ 155,000.00 provided, however, that no claims shall be paid from this appropriation that would exceed, in the aggregate, the amount of fees and collections deposited with the state treasurer to the credit of the general fund for that fiscal year, or the appropriation herein provided.

In addition to the foregoing appropriations, there is hereby appropriated from the general fund for salaries and expenses, to supplement appropriations from the university millage fund, three hundred seventy-four thousand three hundred twenty-eight dollars.....\$ 374,328.00

In addition to the above appropriations, there is hereby appropriated from the general fund for furnishings and equipment for new buildings and cost of moving into these buildings, replacing agricultural building and gymnasium roofs, painting gymnasium, enclosing back stairs of gymnasium, remodeling dairy manufacturing room, constructing farm machinery laboratory and experiment station workshop, completing Boulevard Street and conservation education program, one hundred eleven thousand dollars.....\$ 111,000.00

In addition to the foregoing appropriations there is hereby appropriated for the use of the Montana State College, all income from land grants, endowments, trust funds and federal funds which

THIRTY-THIRD LEGISLATIVE ASSEMBLY

have been received or will be received for the purposes for which said funds were given.

MONTANA AGRICULTURAL EXPERIMENT STATION

From the university millage fund:

For salaries and expenses, two hundred twenty thousand nine hundred sixty-eight dollars.....\$ 220,968.00

For teachers' retirement system, as much as may be necessary, not exceeding nine thousand seven hundred fifty dollars\$ 9,750.00

For public employees' retirement system, as much as may be necessary, not exceeding six thousand eight hundred seventy-five dollars.....\$ 6,875.00

All monies collected by the experiment station and animal husbandry department shall be set aside in a special fund, from which fund there is hereby appropriated for the use of the Montana agricultural experiment station so much thereof as may be necessary for the payment of salaries and expenses, including purchase of lands.

In addition to the above appropriations, there is hereby appropriated for the Montana agricultural experiment station, all federal funds and also all trust funds.

From the general fund:

In addition to the foregoing appropriations there is hereby appropriated from the general fund for salaries and expenses, to supplement appropriations from the university millage fund, eighty-three thousand six hundred seventy-eight dollars.....\$ 83,678.00

EXPERIMENTAL SUBSTATIONS OF THE MONTANA AGRICULTURAL EXPERIMENT STATION

From the university millage fund:

For salaries and expenses for each of the following substations and branches.

Central Montana branch station, nineteen thousand sixty dollars\$ 19,060.00

Horticulture branch station, thirteen thousand six hundred forty-three dollars.....\$ 13,643.00

SESSION LAWS

Huntley branch station, twenty-three thousand eight hundred sixty-five dollars.....	\$ 23,865.00
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North Montana branch station, twenty-nine thousand one hundred seven dollars.....	\$ 29,107.00
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Northwestern Montana branch station, thirteen thousand six hundred dollars.....	\$ 13,600.00
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U. S. Range livestock experiment station, four thousand two hundred twenty-three dollars.....	\$ 4,223.00
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Eastern Montana branch station, fifteen thousand nine hundred forty-four dollars.....	\$ 15,944.00
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Montana grain inspection laboratory, eleven thousand three hundred seventy-two dollars.....	\$ 11,372.00
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Montana wool laboratory, ten thousand five hundred sixty-six dollars	\$ 10,566.00
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For teachers' retirement system, as much as may be necessary, not exceeding two thousand nine hundred eighty-six dollars	\$ 2,986.00
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For public employees' retirement system, as much as may be necessary, not exceeding five thousand dollars \$	5,000.00
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From the general fund:

In addition to the above appropriations there is hereby appropriated from the general fund for salaries and expenses, to supplement appropriations from the university millage fund, four thousand two hundred twenty-eight dollars	\$ 4,228.00
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In addition to the above appropriations, all monies collected by the several branches and substations shall be set aside, each in a trust fund and are hereby appropriated as much as may be necessary for the purpose of paying salaries and expenses, including purchase of land.

In addition to the above appropriations, there is hereby appropriated all federal funds and trust funds that may be received for any of the substations or branch stations.

AGRICULTURAL EXTENSION SERVICE OF THE MONTANA STATE COLLEGE

From the University millage fund:

For salaries and expenses, two hundred twenty thousand four hundred thirty-six dollars.....	\$ 220,436.00
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THIRTY-THIRD LEGISLATIVE ASSEMBLY

For teachers' retirement system, as much as may be necessary, not exceeding one thousand five hundred dollars\$ 1,500.00

For public employees' retirement system, as much as may be necessary, not exceeding two thousand five hundred dollars\$ 2,500.00

From the general fund:

In addition to the above appropriations, there is hereby appropriated from the general fund for salaries and expenses, in lieu of fees and collections, ten thousand dollars\$ 10,000.00
provided, however, that no claims shall be paid from this appropriation that will exceed, in the aggregate, the fees and collections deposited with the state treasurer in the general fund in that fiscal year, or the appropriation herein provided.

In addition to the foregoing appropriations there is hereby appropriated from the general fund for salaries and expenses, to supplement appropriations from the university millage fund, fifty thousand eight hundred eighty-seven dollars\$ 50,887.00

In addition to the above appropriations there is hereby also appropriated for the extension service all federal funds and all trust funds.

MONTANA SCHOOL OF MINES AT BUTTE

From the university millage fund:

For salaries and expenses, two hundred five thousand fifteen dollars\$ 205,015.00

For teachers' retirement system, as much as may be necessary, not exceeding seven thousand dollars.....\$ 7,000.00

For public employees' retirement system, as much as may be necessary, not exceeding three thousand dollars \$ 3,000.00

From the general fund:

In addition to the above appropriations there is hereby appropriated for salaries and expenses, in lieu of fees and collections, twenty-three thousand dollars \$ 23,000.00
provided, however, that no claim shall be paid from this appropriation that would exceed in the aggregate, the amount of fees

SESSION LAWS

and collections deposited with the state treasurer to the credit of the general fund for that fiscal year, or the appropriation herein provided.

In addition to the foregoing appropriations there is hereby appropriated from the general fund for salaries and expenses, to supplement appropriations from the university millage fund, forty-seven thousand eight hundred sixty-seven dollars\$ 47,867.00

In addition to the above appropriations, there is hereby appropriated from the general fund for expense of moving into new petroleum building and reconditioning space thereby vacated, installation of panic hardware on exit doors, replacing obsolete substandard wiring and fixtures, installing tension rods in engineering building, replacing stone in retaining wall of Leonard Bowle, repairing settlement cracks in buildings, installing new exit doors and steps for west side of engineering building, twenty-three thousand three hundred dollars\$ 23,300.00

In addition to the above appropriations there is hereby appropriated for the School of Mines all income from land grants, endowments, trust funds and all federal funds to be used for the purposes for which said funds were received.

BUREAU OF MINES AND GEOLOGY OF THE SCHOOL OF MINES

From the university millage fund:

For salaries and expenses, thirty-six thousand five hundred eight dollars.....\$ 36,508.00

From the general fund:

In addition to the above appropriations there is hereby appropriated from the general fund for construction and equipping of a petroleum field station and for salaries and expenses of operation of said field station, thirty thousand seven hundred dollars.....\$ 30,700.00

WESTERN MONTANA COLLEGE OF EDUCATION AT DILLON

From the university millage fund:

For salaries and expenses, one hundred thirty-eight thousand four hundred twenty-five dollars.....\$ 138,425.00

THIRTY-THIRD LEGISLATIVE ASSEMBLY

For teachers' retirement system, as much as may be necessary, not exceeding four thousand six hundred twenty dollars\$ 4,620.00

For public employees' retirement system, as much as may be necessary, not exceeding four thousand dollars \$ 4,000.00

From the general fund:

In addition to the above appropriations there is hereby appropriated for salaries and expenses, in lieu of fees and collections, ten thousand dollars.....\$ 10,000.00 provided, however, that no claims shall be paid from this appropriation that will exceed, in the aggregate, the fees and collections deposited with the state treasurer in the general fund in that fiscal year, or the appropriations herein provided.

In addition to the foregoing appropriations there is hereby appropriated from the general fund for salaries and expenses, to supplement appropriations from the university millage fund, forty-six thousand one hundred twenty-three dollars\$ 46,123.00

In addition to the above appropriations there is hereby appropriated from the general fund for purchasing a projector for the new auditorium, construction of a new stack for the heating plant, installation of a boiler already purchased, and improvements to the girls' rest room, eleven thousand two hundred fifty dollars.....\$ 11,250.00

In addition to the above appropriations there is hereby appropriated one-half ($\frac{1}{2}$) of all income from land grants, all endowments and trust funds subject to all statutory provisions.

EASTERN MONTANA COLLEGE OF EDUCATION AT BILLINGS

From the university millage fund:

For salaries and expenses, two hundred three thousand six hundred twenty-eight dollars.....\$ 203,628.00

For teachers' retirement system, as much as may be necessary, not exceeding seven thousand dollars.....\$ 7,000.00

For public employees' retirement system, as much as may be necessary, not exceeding two thousand two hundred dollars\$ 2,200.00

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From the general fund:

In addition to the above appropriations, there is hereby appropriated from the general fund for salaries and expenses, in lieu of fees and collections, twenty-seven thousand dollars\$ 27,000.00
provided, however, that no claim shall be paid from this appropriation that will exceed, in the aggregate, the fees and collections deposited with the state treasurer in the general fund in that fiscal year, or the appropriations herein provided.

In addition to the foregoing appropriation there is hereby appropriated from the general fund for salaries and expenses, to supplement appropriations from the university millage fund, seventy-two thousand three hundred twenty-eight dollars.....\$ 72,328.00

In addition to the above appropriations there is hereby appropriated from the general fund for library books for new laboratory school, reconverting old laboratory school building, extension of campus lighting, twenty-one thousand five hundred dollars.....\$ 21,500.00

In addition to the above appropriation there is hereby appropriated one-half ($\frac{1}{2}$) of all income from land grants, all endowments and trust funds subject to all statutory provisions.

NORTHERN MONTANA COLLEGE AT HAVRE

From the university millage fund:

For salaries and expenses, one hundred ninety-three thousand nineteen dollars\$ 193,019.00

For teachers' retirement system, as much as may be necessary, not exceeding six thousand eight hundred dollars\$ 6,800.00

For public employees' retirement system, as much as may be necessary, not exceeding one thousand four hundred dollars\$ 1,400.00

From the general fund:

In addition to the above appropriations, there is hereby appropriated from the general fund for salaries and expenses, in lieu of fees and collections, twenty thousand dollars\$ 20,000.00
provided, however, that no claims shall be paid from this appro-

THIRTY-THIRD LEGISLATIVE ASSEMBLY

priation that will exceed in the aggregate, the fees and collections deposited with the state treasurer in the general fund in that fiscal year, or the appropriations herein provided.

In addition to the foregoing appropriations there is hereby appropriated from the general fund for salaries and expenses, to supplement appropriations from the university millage fund, sixty-six thousand eight hundred seventy-five dollars\$ 66,875.00

In addition to the foregoing appropriations there is hereby appropriated from the general fund for salaries and expenses of industrial education courses and conservation education courses, three thousand dollars....\$ 3,000.00

In addition to each of the above appropriations, there is also hereby appropriated all trust funds and federal funds that may be received, to be used for the purposes to which they are given.

STUDENT TRAVEL REFUNDS

From the university millage fund:

To equalize the traveling fare of students in attendance upon any of the institutions of the University of Montana, two thousand dollars.....\$ 2,000.00

Section 3. That the following sums or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the state treasury and from special funds enumerated herein, not otherwise appropriated, for the objects and purposes hereinafter expressed for the period beginning July 1, 1954, and ending June 30, 1955.

MONTANA STATE UNIVERSITY AT MISSOULA

From the university millage fund:

For salaries and expenses, one million two hundred fifty-three thousand sixty-nine dollars.....\$ 1,253,069.00

For salaries and expenses for the forest conservation experiment station, seventeen thousand nine hundred sixty-two dollars.....\$ 17,962.00

For teachers' retirement system, as much as may be necessary, not exceeding thirty-six thousand dollars....\$ 36,000.00

For public employees' retirement system, as much as may be necessary, not exceeding twelve thousand five hundred dollars\$ 12,500.00

SESSION LAWS

From the general fund:

In addition to the above appropriations there is hereby appropriated from the general fund for salaries and expenses, in lieu of fees and collections, one hundred seventy-three thousand dollars.....\$ 173,000.00 provided, however, that no claims shall be paid from this appropriation that would exceed, in the aggregate, the amount of fees and collections deposited with the state treasurer to the credit of the general fund for that fiscal year, or the appropriation herein provided.

In addition to the foregoing appropriations there is hereby appropriated from the general fund for salaries and expenses, to supplement appropriations from the university millage fund, four hundred twenty-one thousand one hundred thirty-seven dollars.....\$ 421,137.00

In addition to the above appropriations there is hereby appropriated from the general fund for maintenance of present instructional accreditation in the law school, forestry school and pharmacy school, fifty thousand dollars\$ 50,000.00

In addition to the above appropriations there is hereby appropriated from the general fund for the forestry nursery, seven thousand three hundred fifty dollars\$ 7,350.00

In addition to the foregoing appropriations, all earnings of the forest experiment station and all federal and trust funds received or to be received are hereby appropriated to the forest conservation experiment station.

There is hereby appropriated for the use and benefit of the state university all income from land grants, endowments, trust funds, and federal grants which may be received and in addition all balances on hand to be used for the purposes for which such funds were accumulated or given.

MONTANA STATE COLLEGE AT BOZEMAN

From the university millage fund:

For salaries and expenses, one million sixty-three thousand fifty-one dollars.....\$ 1,063,051.00

For salaries and expenses of the engineering experiment station, ten thousand five hundred dollars.....\$ 10,500.00

THIRTY-THIRD LEGISLATIVE ASSEMBLY

For teachers' retirement system, as much as may be necessary, not exceeding thirty-six thousand dollars.....\$ 36,000.00

For public employees' retirement system, as much as may be necessary, not exceeding sixteen thousand five hundred dollars\$ 16,500.00

From the general fund:

In addition to the above appropriations there is hereby appropriated from the general fund for salaries and expenses, in lieu of fees and collections, one hundred fifty-five thousand dollars.....\$ 155,000.00 provided, however, that no claims shall be paid from this appropriation that would exceed, in the aggregate, the amount of fees and collections deposited with the state treasurer to the credit of the general fund for that fiscal year, or the appropriation herein provided.

In addition to the foregoing appropriations there is hereby appropriated from the general fund for salaries and expenses, to supplement appropriations from the university millage fund, three hundred seventy-four thousand three hundred twenty-eight dollars.....\$ 374,328.00

In addition to the foregoing appropriations there is hereby appropriated for the use of the Montana State College, all income from land grants, endowments, trust funds and federal funds which have been received or will be received for the purposes for which said funds were given.

MONTANA AGRICULTURAL EXPERIMENT STATION

From the university millage fund:

For salaries and expenses, two hundred twenty thousand nine hundred sixty-eight dollars.....\$ 220,968.00

For teachers' retirement system, as much as may be necessary, not to exceed nine thousand seven hundred fifty dollars\$ 9,750.00

For public employees' retirement system, as much as may be necessary, not exceeding six thousand eight hundred seventy-five dollars.....\$ 6,875.00

All monies collected by the experiment station and animal husbandry department shall be set aside in a special fund, from which fund there is hereby appropriated for the use of the Mon-

SESSION LAWS

tana agricultural experiment station so much thereof as may be necessary for the payment of salaries and expenses, including purchase of lands.

In addition to the above appropriations, there is hereby appropriated for the Montana agricultural experiment station all federal funds and also all trust funds.

From the general fund:

In addition to the foregoing appropriations there is hereby appropriated from the general fund for salaries and expenses, to supplement appropriations from the university millage fund, eighty-three thousand six hundred seventy-seven dollars.....\$ 83,677.00

EXPERIMENTAL SUBSTATIONS OF THE MONTANA AGRICULTURAL EXPERIMENT STATION

From the university millage fund:

For salaries and expenses for each of the following substations and branches:

Central Montana branch station, nineteen thousand sixty dollars\$ 19,060.00

Horticulture branch station, thirteen thousand six hundred forty-three dollars.....\$ 13,643.00

Huntley branch station, twenty-three thousand eight hundred sixty-five dollars.....\$ 23,865.00

North Montana branch station, twenty-nine thousand one hundred seven dollars.....\$ 29,107.00

Northwestern Montana branch station, thirteen thousand six hundred dollars.....\$ 13,600.00

U. S. Range livestock experiment station, four thousand two hundred twenty-three dollars.....\$ 4,223.00

Eastern Montana branch station, fifteen thousand nine hundred forty-four dollars.....\$ 15,944.00

Montana grain inspection laboratory, eleven thousand three hundred seventy-two dollars.....\$ 11,372.00

Montana wool laboratory, ten thousand five hundred sixty-six dollars.....\$ 10,566.00

THIRTY-THIRD LEGISLATIVE ASSEMBLY

For teachers' retirement system, as much as may be necessary, not exceeding two thousand nine hundred eighty-six dollars\$ 2,986.00

For public employees' retirement system, as much as may be necessary, not exceeding five thousand dollars \$ 5,000.00

From the general fund:

In addition to the above appropriations there is hereby appropriated from the general fund for salaries and expenses, to supplement appropriations from the university millage fund, four thousand two hundred twenty-eight dollars\$ 4,228.00

In addition to the above appropriations, all monies collected by the several branches and substations shall be set aside, each in a trust fund and are hereby appropriated as much as may be necessary, for the purpose of paying salaries and expenses, including purchase of land.

In addition to the above appropriations, there is hereby appropriated all federal funds and trust funds that may be received for any of the substations or branch station.

AGRICULTURAL EXTENSION SERVICE OF THE MONTANA STATE COLLEGE

From the university millage fund:

For salaries and expenses, two hundred twenty thousand four hundred thirty-six dollars.....\$ 220,436.00

For teachers' retirement system, as much as may be necessary, not exceeding one thousand five hundred dollars\$ 1,500.00

For public employees' retirement system, as much as may be necessary, not exceeding two thousand five hundred dollars\$ 2,500.00

From the general fund:

In addition to the above appropriations, there is hereby appropriated from the general fund for salaries and expenses, in lieu of fees and collections, ten thousand dollars\$ 10,000.00
provided, however, that no claims shall be paid from this appropriation that will exceed in the aggregate, the fees and collections

SESSION LAWS

deposited with the state treasurer in the general fund in that fiscal year, or the appropriation herein provided.

In addition to the foregoing appropriations there is hereby appropriated from the general fund for salaries and expenses, to supplement appropriations from the university millage fund, fifty thousand eight hundred eighty-seven dollars.....\$ 50,887.00

In addition to the above appropriations there is hereby also appropriated for the extension service all federal funds and all trust funds.

MONTANA SCHOOL OF MINES AT BUTTE

From the university millage fund:

For salaries and expenses, two hundred five thousand fifteen dollars\$ 205,015.00

For teachers' retirement system, as much as may be necessary, not exceeding seven thousand dollars.....\$ 7,000.00

For public employees' retirement system, as much as may be necessary, not exceeding three thousand dollars \$ 3,000.00

From the general fund:

In addition to the above appropriations there is hereby appropriated for salaries and expenses, in lieu of fees and collections, twenty-three thousand dollars.....\$ 23,000 00 provided, however, that no claim shall be paid from this appropriation that would exceed, in the aggregate, the amount of fees and collections deposited with the state treasurer to the credit of the general fund for that fiscal year, or the appropriation herein provided.

In addition to the foregoing appropriations there is hereby appropriated from the general fund for salaries and expenses, to supplement appropriations from the university millage fund, fifty-one thousand nine hundred seventeen dollars.....\$ 51,917.00

In addition to the above appropriations there is hereby appropriated for the School of Mines all income from land grants, endowments, trust funds and all federal funds to be used for the purposes for which said funds were received.

THIRTY-THIRD LEGISLATIVE ASSEMBLY

BUREAU OF MINES AND GEOLOGY OF THE SCHOOL
OF MINES

From the university millage fund :

For salaries and expenses, thirty-six thousand five hundred eight dollars.....	\$ 36,508.00
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From the general fund :

In addition to the above appropriations there is hereby appropriated from the general fund for salaries and expenses of operation of petroleum field station, twelve thousand two hundred dollars.....

	\$ 12,200.00
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WESTERN COLLEGE OF EDUCATION AT DILLON

From the university millage fund :

For salaries and expenses, one hundred thirty-eight thousand four hundred twenty-five dollars.....	\$ 138,425.00
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For teachers' retirement system, as much as may be necessary, not exceeding four thousand six hundred twenty dollars	\$ 4,620.00
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For public employees' retirement system, as much as may be necessary, not exceeding four thousand dollars \$	4,000.00
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From the general fund :

In addition to the above appropriations there is hereby appropriated for salaries and expenses, in lieu of fees and collections, ten thousand dollars.....

	\$ 10,000.00
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provided, however, that no claims shall be paid from this appropriation that will exceed, in the aggregate, the fees and collections deposited with the state treasurer in the general fund in that fiscal year, or the appropriations herein provided.

In addition to the foregoing appropriations there is hereby appropriated from the general fund for salaries and expenses, to supplement appropriations from the university millage fund, forty-six thousand four hundred thirty dollars

	\$ 46,430.00
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In addition to the above appropriations there is hereby appropriated one-half ($\frac{1}{2}$) of all income from land grants, all endowments and trust funds subject to all statutory provisions.

SESSION LAWS

EASTERN MONTANA COLLEGE OF EDUCATION
AT BILLINGS

From the university millage fund:

For salaries and expenses, two hundred three thousand five hundred twenty-eight dollars.....\$ 203,528.00

For teachers' retirement system, as much as may be necessary, not exceeding seven thousand dollars.....\$ 7,000.00

For public employees' retirement system, as much as may be necessary, not exceeding two thousand three hundred dollars\$ 2,300.00

From the general fund:

In addition to the above appropriations, there is hereby appropriated from the general fund for salaries and expenses, in lieu of fees and collections, twenty-seven thousand dollars\$ 27,000.00

provided, however, that no claims shall be paid from this appropriation that will exceed, in the aggregate, the fees and collections deposited with the state treasurer in the general fund in that fiscal year, or the appropriations herein provided.

In addition to the foregoing appropriations there is hereby appropriated from the general fund for salaries and expenses, to supplement appropriations from the university millage fund, seventy-two thousand three hundred thirty-nine dollars.....\$ 72,339.00

In addition to the above appropriations there is hereby appropriated one-half ($\frac{1}{2}$) of all income from land grants, all endowments and trust funds subject to all statutory provisions.

NORTHERN MONTANA COLLEGE AT HAVRE

From the university millage fund:

For salaries and expenses, one hundred ninety-three thousand nineteen dollars.....\$ 193,019.00

For teachers' retirement system, as much as may be necessary, not exceeding six thousand eight hundred dollars\$ 6,800.00

For public employees' retirement system, as much as may be necessary, not exceeding one thousand four hundred dollars\$ 1,400.00

THIRTY-THIRD LEGISLATIVE ASSEMBLY

From the general fund :

In addition to the above appropriations, there is hereby appropriated from the general fund for salaries and expenses, in lieu of fees and collections, twenty thousand dollars\$ 20,000.00
provided, however, that no claims shall be paid from this appropriation that will exceed, in the aggregate, the fees and collections deposited with the state treasurer in the general fund in that fiscal year, or the appropriation herein provided.

In addition to the foregoing appropriations there is hereby appropriated from the general fund for salaries and expenses, to supplement appropriations from the university millage fund, sixty-eight thousand one hundred forty-five dollars.....\$ 68,145.00

In addition to the foregoing appropriations there is hereby appropriated from the general fund for salaries and expenses of industrial education courses and conservation education courses, three thousand thirty dollars\$ 3,030.00

In addition to the above appropriations, there is also appropriated all trust funds and federal funds that may be received, to be used for the purposes to which they are given.

STUDENT TRAVEL REFUNDS

From the university millage fund:

To equalize the traveling fare of students in attendance upon any of the institutions of the University of Montana, two thousand dollars.....\$ 2,000.00

Section 4. The appropriation contained herein shall only be used for the purposes designated, nor shall they be interchangeable, and all appropriations provided herein are subject to the definitions appearing in Section 1 of this act. In the event any institution, department, station or service or other division receives specific appropriations from sources other than the university millage fund, or the general fund, excepting trust funds governed by specific provisions of law, the money from such other sources shall be used to the extent lawfully available, before resorting to the appropriations from the university millage fund, or the general fund, but in no event shall they be used for purposes other than that for which they were provided.

SESSION LAWS

Section 5. The appropriations contained herein shall not be used for travel to conventions, teachers' meetings, association meetings or gatherings of like character, wherein said meetings are held outside the State of Montana, except by special permission of the state board of education obtained in advance.

Approved March 9, 1953.

HOUSE BILL NO. 368

An Act to Appropriate Money for State Department of Public Welfare of the State of Montana for Public Assistance, for Administrative Costs in the State Department and in the County Departments of Public Welfare and For All Other Expenditures Coming Under the State Department of Public Welfare Which They May Lawfully Incur, for the Period Beginning July 1, 1953, and Terminating With June 30, 1955.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There is hereby appropriated for the state department of public welfare of the State of Montana, out of any funds in the state treasury not otherwise appropriated, the sum of four million five hundred fifty-five thousand nine hundred forty dollars (\$4,555,940.00) for public assistance for administrative costs in the state department and the county departments of public welfare and for all other expenditures coming under the state department of public welfare which they may lawfully incur for the fiscal year beginning with July 1, 1953, and terminating with June 30, 1954.

Section 2. Without hereby limiting the powers of the state board of public welfare, as in this act otherwise provided, the amounts appropriated in the foregoing section and paid into the public welfare fund of the state treasury may be expended for the following purposes:

(a) For old age assistance, the sum of two million five hundred thirty-six thousand five hundred forty dollars\$ 2,536,540.00

(b) For aid to needy dependent children, the sum of eight hundred eighty-nine thousand six hundred fourteen dollars\$ 889,614.00

THIRTY-THIRD LEGISLATIVE ASSEMBLY

- (c) For aid to needy blind, the sum of one hundred ninety-two thousand two hundred fifty-four dollars....\$ 192,254.00
- (d) For child welfare services, including all state administrative costs, the sum of forty thousand dollars \$ 40,000.00
- (e) For the payment of compensation for keeping dependent and neglected children in approved family foster homes in cases where the county of residence of such children pays one-half the cost of such care, the sum of forty thousand dollars.....\$ 40,000.00
- (f) For general relief and contingencies, the sum of one hundred seventeen thousand five hundred dollars \$ 117,500.00
- (g) For payment to persons having silicosis, pursuant to provisions of Chapter 5 of Session Laws of 1941, and for medical examinations, transportation and other related services, the sum of four hundred thousand dollars\$ 400,000.00
- (h) For administrative costs of the state department, not otherwise provided for, and including public employees' retirement system, and advances of the compensation and expenses of the personnel staff attached to county welfare boards, the sum of one hundred ninety-nine thousand dollars.....\$ 199,000.00
- (i) For aid to permanently and totally disabled, the sum of one hundred forty-one thousand thirty-two dollars\$ 141,032.00

Section 3. There is hereby appropriated for the state department of public welfare of the State of Montana, out of any funds in the state treasury not otherwise appropriated, the sum of four million five hundred forty-five thousand nine hundred forty dollars (\$4,545,940.00), for public assistance, for administrative costs in the state department and the county departments of public welfare and for all other expenditures coming under the state department of public welfare which they may lawfully incur for the fiscal year beginning with July 1, 1954, and terminating with June 30, 1955.

Section 4. Without hereby limiting the powers of the state board of public welfare, as in this act otherwise provided, the amounts appropriated in the foregoing section and paid into the public welfare funds of the state treasury may be expended for the following purposes:

SESSION LAWS

- (a) For old age assistance, the sum of two million five hundred thirty-six thousand five hundred forty dollars\$ 2,536,540.00
- (b) For aid to needy dependent children, the sum of eight hundred eighty-nine thousand six hundred fourteen dollars\$ 889,614.00
- (c) For aid to needy blind, the sum of one hundred ninety-two thousand two hundred fifty-four dollars....\$ 192,254.00
- (d) For child welfare services, including all state administrative costs, the sum of forty thousand dollars \$ 40,000.00
- (e) For the payment of compensation for keeping dependent and neglected children in approved family foster homes in cases where the county of residence of such children pays one-half the cost of such care, the sum of thirty thousand dollars.....\$ 30,000.00
- (f) For general relief and contingencies, the sum of one hundred seventeen thousand five hundred dollars \$ 117,500.00
- (g) For payment to persons having silicosis, pursuant to provisions of Chapter 5 of Session Laws of 1941, and for medical examinations, transportation and other related services, the sum of four hundred thousand dollars\$ 400,000.00
- (h) For administrative cost of the state department, not otherwise provided for and including public employees' retirement system, and advances of the compensation and expenses of the personnel staff attached to county welfare boards, the sum of one hundred ninety-nine thousand dollars.....\$ 199,000.00
- (i) For aid to permanently and totally disabled, the sum of one hundred forty-one thousand thirty-two dollars\$ 141,032.00

Section 5. In addition to the foregoing appropriations, there is hereby appropriated for both of the two (2) fiscal years, all balances of prior appropriations unexpended on June 30, 1953, and all funds which may be received from counties as reimbursements for the purposes for which they are designated and any other funds which may be received by the state department of public welfare.

THIRTY-THIRD LEGISLATIVE ASSEMBLY

Section 6. Any money hereby appropriated for the state department of public welfare and specified for any account or purpose and not needed for such account or purpose, may be transferred by the state board of public welfare to any other account or purpose under the authority of the department, except that no part of items (a), (b), (c), (d), (e), (f), (g) and (i), shall be transferred to item (h) administrative costs.

Section 7. The appropriation hereby provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Approved March 11, 1953.

HOUSE BILL NO. 369

An Act to Appropriate Money for the Operation, Maintenance and Other Purposes, As Designated Herein, for Certain State Institutions, for the Period Beginning July 1, 1953, and Ending June 30, 1955.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. For the purpose of this act, unless otherwise required by the context:

(1) The term "salaries" means the compensation paid in consideration of services rendered to all regularly elected or appointed officers or employees whose duties are of a continuous nature. It does not mean wages or compensation paid in consideration of services rendered to temporary employees and for persons appointed or hired for a period of less than one (1) month, the payment of which is hereby made a proper charge from funds appropriated for "operation."

(2) The term "capital," unless otherwise designated or defined, means all articles, fixtures and goods of a permanent nature, but, in no event, shall the term "capital" mean buildings or purchase of lands, unless specifically defined herein. Store supplies shall have the same limitations.

(3) The term "repairs" means the amount to be paid for the repair of any capital asset, including buildings or lands.

(4) The term "replacements" means the amount to be paid for the replacing of any capital asset, as defined in paragraph (2)

SESSION LAWS

above, by the purchase of a new one to take its place by reason of the original being worn out or broken.

(5) The term "operation" means all other expenditures which are necessary for the operation of the department, board, bureau, commission or institution to which the appropriation applies, including wages of employees paid to temporary employees for work not considered of a continuous nature.

(6) The term "salaries and expenses" means any expense, including salaries, capital, repairs and replacements and operation, as defined above.

(7) The term "expense" means any expense defined above, with the exception of salaries.

(8) The term "public employees' retirement system" means the state contribution to the public employees' retirement system and said money is to be used for that purpose and no other.

(9) The term "teachers' retirement system" means the state contribution to the teachers' retirement system and said money is to be used for that purpose and no other.

(10) The appropriations contained in this act are intended to provide only necessary expenditures for the year for which the appropriation is provided. All claims for such expenditures must be presented for payment not later than thirty (30) days after the close of the fiscal year. Supplies purchased for a succeeding year are in violation of this act. In cases of necessity, appropriations may be used for either year, provided, however, that any unexpended balances at the end of the second year shall revert to the funds from which they were appropriated.

(11) When reference is made herein to any chapter or section of the Laws of Montana, said reference shall include any and all laws amendatory thereto.

Section 2. That the following sums, or so much thereof as may be found necessary, be, and the same are hereby appropriated out of any monies in the state treasury, and from special funds enumerated herein, not otherwise appropriated, for the objects and purposes hereinafter expressed, for the period beginning July 1, 1953, and ending June 30, 1954.

SCHOOL FOR THE DEAF AND BLIND

From the general fund:

THIRTY-THIRD LEGISLATIVE ASSEMBLY

For salary of the president, seven thousand two hundred dollars\$ 7,200.00

For salaries and expenses, one hundred thirty-eight thousand nine hundred sixty dollars.....\$ 138,960.00

For public employees' retirement system, one thousand four hundred forty dollars.....\$ 1,440.00

For teachers' retirement system, two thousand two hundred fifty dollars\$ 2,250.00

In addition to the above appropriation, there is hereby appropriated all income from land grants and any trust funds which may be received, subject to statutory provisions and obligations of any outstanding bond issues.

There is hereby reappropriated any unspent balances for the construction of buildings for heating and storage and purchases and installation of heating equipment, subject to approval of the state board of examiners, of the sixty thousand dollars (\$60,000.00) appropriated in House Bill No. 463, Session Laws of 1951.

STATE ORPHANS' HOME

From the general fund:

For salary of the superintendent, five thousand five hundred dollars\$ 5,500.00

For salaries and expenses, one hundred sixty thousand eight hundred fifty dollars.....\$ 160,850.00

For public employees' retirement system, two thousand seven hundred eighty-eight dollars.....\$ 2,788.00

For teachers' retirement system, six hundred dollars \$ 600.00

In addition to the above appropriations, all trust funds are hereby appropriated for the purposes for which said funds are received.

STATE INDUSTRIAL SCHOOL

From the general fund:

Administration

For salary of the president, six thousand dollars.....\$ 6,000.00

For salaries of three night supervisors, five thousand four hundred dollars.....\$ 5,400.00

SESSION LAWS

For other salaries, thirty-seven thousand six hundred dollars	\$ 37,600.00
For operation, six thousand one hundred fifty dollars	\$ 6,150.00
For public employees' retirement system, two thousand seven hundred seventy-eight dollars and twelve cents	\$ 2,778.12
For capital, three thousand seventy-five dollars.....	\$ 3,075.00
For repairs and replacements, five hundred fifty dollars	\$ 550.00

Educational System

For salaries, twenty-nine thousand two hundred fifteen dollars	\$ 29,215.00
For teachers' retirement system, one thousand sixty-three dollars and seven cents.....	\$ 1,063.67
For operation, two thousand seventy-five dollars.....	\$ 2,075.00
For capital, seven hundred dollars.....	\$ 700.00
For repairs and replacements, three hundred fifty dollars	\$ 350.00

Physical Plant

For salaries, eight thousand two hundred dollars....	\$ 8,200.00
For operation, twenty-six thousand seven hundred ninety-five dollars	\$ 26,795.00
For capital, five thousand seven hundred dollars....	\$ 5,700.00
For repairs and replacements, five thousand five hundred fifty dollars.....	\$ 5,550.00

Farm

For salaries, twelve thousand eight hundred eighty dollars	\$ 12,880.00
For operation, thirteen thousand seven hundred fifty dollars	\$ 13,750.00
For capital, four thousand seven hundred dollars....	\$ 4,700.00
For repairs and replacements, nine hundred dollars \$	900.00

THIRTY-THIRD LEGISLATIVE ASSEMBLY

Subsistence

For salaries, eleven thousand six hundred dollars \$ 11,600.00

For operation, twenty-six thousand eight hundred seventy-five dollars\$ 26,875.00

In addition to the foregoing appropriations, there is hereby appropriated from the general fund for the purpose of draining the farm land, ten thousand dollars....\$ 10,000.00

In addition to the foregoing appropriations, there is hereby appropriated from the general fund for construction of a new two story building on the site of the old cottage "A" to provide dining hall, administrative offices, reception room for parents and employees' quarters, with no basement or bowling alley as shown on the architect's plans, one hundred seventy-five thousand dollars.....\$ 175,000.00

In addition to the foregoing appropriations, there is hereby appropriated from the general fund for the purchase of a cement block machine, eighty-six dollars.....\$ 86.00

In addition to the above appropriations, all income from land grants and trust funds which may be received is hereby appropriated subject to all statutory provisions and obligations of any outstanding bond issues.

STATE VOCATIONAL SCHOOL FOR GIRLS

From the general fund:

For salaries and expenses, ninety-nine thousand two hundred five dollars.....\$ 99,205.00

For public employees' retirement system, one thousand two hundred eighty-four dollars and fifty cents \$ 1,284.50

For teachers' retirement system, five hundred sixty-two dollars\$ 562.00

For repairs for the Adair dormitory, ten thousand dollars\$ 10,000.00

For two fire escapes for the administration building, five thousand dollars.....\$ 5,000.00

In addition to the above appropriations, all trust funds which may be received by the institution are hereby appropriated.

SESSION LAWS

STATE SOLDIERS' HOME

From the general fund:

For the salary of the commandant, four thousand dollars	\$ 4,000.00
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For salaries and expenses, fifty-two thousand seventy-five dollars	\$ 52,075.00
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For public employees' retirement system, one thousand sixty-seven dollars and fifty cents.....	\$ 1,067.50
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For the purchase and installation of two boilers and the removal of the old boilers and settings, twenty thousand dollars	\$ 20,000.00
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In addition to the above appropriations, all monies received from federal assistance and income from land grants are hereby appropriated.

STATE TRAINING SCHOOL

From the general fund:

For salary of the superintendent, seven thousand two hundred dollars	\$ 7,200.00
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For salaries and expenses, four hundred twenty thousand five hundred seventy-five dollars.....	\$ 420,575.00
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For public employees' retirement system, four thousand two hundred dollars.....	\$ 4,200.00
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For teachers' retirement system, nine hundred thirty-seven dollars and fifty cents.....	\$ 937.50
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For construction, equipping and furnishing of two new dormitories, six hundred fifty thousand dollars \$	650,000.00
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In addition, all trust funds are hereby appropriated subject to all statutory provisions.

STATE TUBERCULOSIS SANITARIUM

From the general fund:

For salary of the superintendent, twelve thousand dollars	\$ 12,000.00
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For salaries and expenses, eight hundred thirty-one thousand eighty-five dollars.....	\$ 831,085.00
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THIRTY-THIRD LEGISLATIVE ASSEMBLY

For public employees' retirement system, fourteen thousand six hundred twenty dollars.....\$ 14,620.00

In addition, all trust funds are hereby appropriated subject to all statutory provisions.

STATE PRISON

From the general fund:

For salary of the warden, six thousand dollars.....\$ 6,000.00

For salaries and expenses, three hundred thirty-nine thousand three hundred thirty-five dollars.....\$ 339,335.00

For public employees' retirement system, five thousand five hundred eighty-two dollars and eighty cents \$ 5,582.80

In addition thereto, there is hereby appropriated for salaries and expenses, in lieu of earnings, thirteen thousand dollars\$ 13,000.00 provided, however, that the board of examiners may not authorize claims from this appropriation that exceed, in the aggregate, the amount of earnings deposited with the state treasurer to the credit of the general fund for that fiscal year.

For salaries and expenses of the bureau of identification, five thousand nine hundred ten dollars.....\$ 5,910.00

For refrigeration, sixteen thousand dollars.....\$ 16,000.00

For remodeling of kitchen for cafeteria style feeding of inmates, two thousand four hundred dollars.....\$ 2,400.00

In addition to the above, all trust funds which may be received are hereby appropriated.

STATE GARMENT FACTORY

From the general fund:

For salaries and expenses, five thousand seven hundred thirty dollars.....\$ 5,730.00

For new sewing machines, six hundred dollars.....\$ 600.00

LICENSE PLATE FACTORY

From the motor recording fund:

For salaries and expenses, as much as may be necessary to pay lawful claims in the making of license plates, is hereby appropriated.

SESSION LAWS

HOME FOR SENILE MEN AND WOMEN

From the general fund:

For salary of the superintendent, five thousand dollars	\$ 5,000.00
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For salaries and expenses, one hundred six thousand eight hundred fifty-nine dollars and twenty-four cents \$	106,859.24
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For public employees' retirement system, two thousand one hundred seventy-two dollars.....	\$ 2,172.00
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For landscaping, five thousand dollars.....	\$ 5,000.00
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In addition to the above appropriations, there is hereby appropriated all monies which have been received or will be received for the purposes for which said funds were given.

STATE HOSPITAL

From the general fund:

For salary of the superintendent, nine thousand four hundred twenty dollars.....	\$ 9,420.00
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For salaries and expenses, one million seven hundred eighty-seven thousand seven hundred seven dollars and seventy-two cents	\$ 1,787,707.72
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For public employee's retirement system, thirty-nine thousand one hundred sixty-eight dollars.....	\$ 39,168.00
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Mental Hygiene Division

From the general fund:

For salaries and expenses, fifty-eight thousand three hundred dollars	\$ 58,300.00
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For public employees' retirement system, one thousand nine hundred eighty-three dollars.....	\$ 1,983.00
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In addition to the above appropriations, all trust funds and all monies received from federal assistance are hereby appropriated subject to all statutory provisions.

Section 3. That the following sums or so much thereof as may be found necessary, be, and the same are hereby appropriated out of any monies in the state treasury, and from special funds enumerated herein, not otherwise appropriated, for the objects and purposes hereinafter expressed, for the period beginning July 1, 1954, and ending June 30, 1955.

THIRTY-THIRD LEGISLATIVE ASSEMBLY

SCHOOL FOR THE DEAF AND BLIND

From the general fund:

For salary of the president, seven thousand two hundred dollars	\$	7,200.00
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For salaries and expenses, one hundred thirty-eight thousand nine hundred sixty dollars.....	\$	138,960.00
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For public employees' retirement system, one thousand four hundred forty dollars.....	\$	1,440.00
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For teachers' retirement system, two thousand two hundred fifty dollars.....	\$	2,250.00
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In addition to the above appropriation, there is hereby appropriated all income from land grants and any trust funds which may be received, subject to statutory provisions and obligations of any outstanding bond issues.

STATE ORPHANS' HOME

From the general fund:

For salary of the superintendent, five thousand five hundred dollars	\$	5,500.00
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For salaries and expenses, one hundred sixty thousand eight hundred fifty dollars.....	\$	160,850.00
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For public employees' retirement system, two thousand seven hundred eighty-eight dollars.....	\$	2,788.00
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For teachers' retirement system, six hundred dollars	\$	600.00
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In addition to the above appropriations, all trust funds are hereby appropriated for the purposes for which said funds are received.

STATE INDUSTRIAL SCHOOL

From the general fund:

Administration

For salary of the president, six thousand dollars.....	\$	6,000.00
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For salaries of three night supervisors, five thousand four hundred dollars.....	\$	5,400.00
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For other salaries, thirty-seven thousand six hundred dollars	\$	37,600.00
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SESSION LAWS

For operation, six thousand one hundred fifty dollars	\$ 6,150.00
For public employees' retirement system, two thousand seven hundred seventy-eight dollars and twelve cents	\$ 2,778.12
For capital, three thousand seventy-five dollars.....	\$ 3,075.00
For repairs and replacements, five hundred fifty dollars	\$ 550.00

Educational System

For salaries, twenty-nine thousand two hundred fifteen dollars	\$ 29,215.00
For teachers' retirement system, one thousand sixty-three dollars and seven cents.....	\$ 1,063.07
For operation, two thousand seventy-five dollars.....	\$ 2,075.00
For capital, seven hundred dollars.....	\$ 700.00
For repairs and replacements, three hundred fifty dollars	\$ 350.00

Physical Plant

For salaries, eight thousand two hundred dollars.....	\$ 8,200.00
For operation, twenty-six thousand seven hundred ninety-five dollars	\$ 26,795.00
For capital, five thousand seven hundred dollars.....	\$ 5,700.00
For repairs and replacements, five thousand five hundred fifty dollars.....	\$ 5,550.00

Farm

For salaries, twelve thousand eight hundred eighty dollars	\$ 12,880.00
For operation, thirteen thousand seven hundred fifty dollars	\$ 13,750.00
For capital, four thousand seven hundred dollars....	\$ 4,700.00
For repairs and replacements, nine hundred dollars....	\$ 900.00

Subsistence

For salaries, eleven thousand six hundred dollars....	\$ 11,600.00
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THIRTY-THIRD LEGISLATIVE ASSEMBLY

For operation, twenty-six thousand eight hundred seventy-five dollars\$ 26,875.00

For trade-in of 1947 Dodge car, one thousand five hundred dollars\$ 1,500.00

In addition to the above appropriations, all income from land grants and trust funds which may be received is hereby appropriated subject to all statutory provisions and obligations of any outstanding bond issue.

STATE VOCATIONAL SCHOOL FOR GIRLS

From the general fund:

For salary of the superintendent, four thousand two hundred dollars\$ 4,200.00

For salaries and expenses, ninety-nine thousand two hundred five dollars.....\$ 99,205.00

For public employees' retirement system, one thousand two hundred eighty-four dollars and fifty cents \$ 1,284.50

For teachers' retirement system, five hundred sixty-two dollars\$ 562.00

In addition to the above appropriations, all trust funds which may be received by the institution are hereby appropriated.

STATE SOLDIERS' HOME

From the general fund:

For the salary of the commandant, four thousand dollars\$ 4,000.00

For salaries and expenses, fifty-two thousand seventy-five dollars\$ 52,075.00

For public employees' retirement system, one thousand sixty-seven dollars and fifty cents.....\$ 1,067.50

In addition to the above appropriations, all monies received from federal assistance and income from land grants and trust funds are hereby appropriated.

STATE TRAINING SCHOOL

From the general fund:

For salary of the superintendent, seven thousand two hundred dollars\$ 7,200.00

SESSION LAWS

For salaries and expenses, four hundred twenty thousand five hundred seventy-five dollars.....\$ 420,575.00

For public employees' retirement system, four thousand two hundred dollars.....\$ 4,200.00

For teachers' retirement system, nine hundred thirty-seven dollars and fifty cents.....\$ 937.50

In addition, all trust funds are hereby appropriated subject to all statutory provisions.

STATE TUBERCULOSIS SANITARIUM

From the general fund:

For salary of the superintendent, twelve thousand dollars\$ 12,000.00

For salaries and expenses, eight hundred eighty-one thousand eighty-five dollars.....\$ 881,085.00

For public employees' retirement system, fourteen thousand six hundred twenty dollars.....\$ 14,620.00

In addition, all trust funds are hereby appropriated subject to all statutory provisions.

STATE PRISON

From the general fund:

For salary of the warden, six thousand dollars.....\$ 6,000.00

For salaries and expenses, three hundred thirty-nine thousand three hundred thirty-five dollars.....\$ 339,335.00

For public employees' retirement system, five thousand five hundred eighty-two dollars and eighty cents \$ 5,582.80

In addition thereto, there is hereby appropriated for salaries and expenses, in lieu of earnings, thirteen thousand dollars\$ 13,000.00
provided, however, that the board of examiners may not authorize claims from this appropriation that exceed in the aggregate, the amount of earnings deposited with the state treasurer to the credit of the general fund for that fiscal year.

For salaries and expenses of the bureau of identification, five thousand nine hundred ten dollars.....\$ 5,910.00

THIRTY-THIRD LEGISLATIVE ASSEMBLY

In addition to the above, all trust funds which may be received are hereby appropriated.

STATE GARMENT FACTORY

From the general fund:

For salaries and expenses, five thousand five hundred sixty-five dollars	\$	5,565.00
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LICENSE PLATE FACTORY

From the motor recording fund:

For salaries and expenses, as much as may be necessary to pay lawful claims in the making of license plates, is hereby appropriated.

HOME FOR SENILE MEN AND WOMEN

From the general fund:

For salary of the superintendent, five thousand dollars	\$	5,000.00
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For salaries and expenses, one hundred six thousand eight hundred fifty-nine dollars and twenty-four cents	\$	106,859.24
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For public employees' retirement system, two thousand one hundred seventy-two dollars.....	\$	2,172 00
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In addition to the above appropriations, there is hereby appropriated all monies which have been received or will be received for the purposes for which said funds were given.

STATE HOSPITAL

From the general fund:

For salary of the superintendent, nine thousand four hundred twenty dollars.....	\$	9,420.00
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For salaries and expenses, one million seven hundred eighty-seven thousand seven hundred seven dollars and seventy-two cents.....	\$	1,787,707.72
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For public employees' retirement system, thirty-nine thousand one hundred sixty-eight dollars.....	\$	39,168.00
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Mental Hygiene Division

From the general fund:

SESSION LAWS

For salaries and expenses, fifty-eight thousand three hundred dollars\$ 58,300.00

For public employees' retirement system, one thousand nine hundred eighty-three dollars.....\$ 1,983.00

In addition to the above appropriations, all trust funds and all monies received from federal assistance are hereby appropriated subject to all statutory provisions.

Section 4. Provided, further, that all appropriations contained herein shall be used for the purposes designated and no other, and the definitions given in Section 1 of this act shall govern all appropriations.

Section 5. Appropriations contained herein shall not be used for travel to conventions, teachers' meetings, association meetings or gatherings of like character, wherein the said meetings are held outside of the State of Montana, except by special permission of the state board of examiners who may deem it necessary for attendance on such meetings. The state board of examiners shall spread on their minutes the reasons for their permission.

Section 6. It is further provided that wherein institutions have appropriations from funds other than the general fund, excepting trust funds wherein a specific law governs, the money from such other sources shall be used, when available, before using the appropriations from the general fund.

Approved March 11, 1953 with specific exceptions as contained in attached letter, to-wit:

STATE OF MONTANA OFFICE OF THE GOVERNOR HELENA

J. Hugo Aronson
Governor

March 11, 1953

Hon. Sam W. Mitchell
Secretary of State

Sir:

House Bill No. 369 is transmitted herewith without my approval as to the following specific item of appropriation:

In Section 3, page 14, of the appropriations for the State Vocational School for Girls from the General Fund, for the period

THIRTY-THIRD LEGISLATIVE ASSEMBLY

beginning July 1, 1954, and ending July 1, 1955—"For salary of the superintendent, four thousand two hundred dollars—\$4,200.00."

I have given my approval to the balance of the bill. My reason for not approving this item is because upon examining the amendments as made on the floor of the legislature, it is obvious that an error was made in enrolling the bill. The salary of the superintendent was provided in Section 2, page 6, as included in the amount of \$99,205.00. This same provision is included in Section 3, page 14. The additional item of \$4,200.00 is a duplication; and, therefore, I am vetoing this specific item.

J. Hugo Aronson
Governor.

HOUSE BILL NO. 370

An Act to appropriate Money for the Operation, Maintenance and Other Purposes, As Designated Herein, for Certain State Departments, Boards, Bureaus and Commissions, for the Period Beginning July 1, 1953, and Ending June 30, 1955.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. For the purpose of this act, unless otherwise required by the context:

(1) The term "salaries" means the compensation paid in consideration of services rendered to all regularly elected or appointed officers or employees whose duties are of a continuous nature. No part of this appropriation shall be used to pay any salary in excess of that which may be specifically fixed by law. It does not mean wages or compensation paid in consideration of services rendered to temporary employees and for persons appointed or hired for a period of less than one (1) month, the payment of which is hereby made a proper charge from funds appropriated for "operation."

(2) The term "capital," unless otherwise designated or defined, means all articles, fixtures and goods of a permanent nature, but, in no event, shall the term "capital" mean buildings or purchase of lands, unless specifically defined herein. Store supplies shall have the same limitations.

(3) The term "repairs" means the amount to be paid for the repair of any capital asset, including buildings or lands.

SESSION LAWS

(4) The term "replacements" means the amount to be paid for the replacing of any capital asset, as defined in paragraph (2) above, by the purchase of a new one to take its place by reason of the original being worn out or broken.

(5) The term "operation" means all other expenditures which are necessary for the operation of the department, board, bureau or commission to which the appropriation applies, including wages of employees paid to temporary employees for work not considered of a continuous nature.

(6) The term "salaries and expenses" means any expenses, including salaries, capital, repairs and replacements and operations, as defined above.

(7) The term "expense" means any expense defined above, with the exception of salaries.

(8) The term "public employees' retirement system" means the state contribution to the public employees' retirement system and said money is to be used for that purpose and no other.

(9) The appropriations contained in this act are intended to provide only necessary expenditures for the year for which the appropriation is provided. All claims for such expenditures must be presented for payment not later than thirty (30) days after the close of the fiscal year. Supplies purchased for a succeeding year are in violation of this act. In cases of necessity, appropriations may be used for either year, provided, however, that any unexpended balances at the end of the second year shall revert to the funds from which they were appropriated.

(10) When reference is made herein to any chapter or section of the laws of Montana, said reference shall include any and all laws amendatory thereto.

Section 2. That the following sums or so much thereof as may be found necessary, be, and the same are hereby appropriated out of any monies in the state treasury, and from special funds enumerated herein, not otherwise appropriated, for the objects and purposes hereinafter expressed, for the period beginning July 1, 1953, and ending June 30, 1954.

LIVESTOCK SANITARY BOARD

From the general fund:

For salaries, one hundred thousand dollars.....\$ 100,000.00

THIRTY-THIRD LEGISLATIVE ASSEMBLY

For expenses, twenty thousand three hundred ten dollars	\$ 20,310.00
For public employees' retirement system, four thousand six hundred dollars.....	\$ 4,600.00
For poultry disease control, four thousand six hundred dollars	\$ 4,600.00
For brucellosis control, twenty thousand dollars.....	\$ 20,000.00
For vibriosis control, five thousand dollars.....	\$ 5,000.00
For slaughter inspection of meat, five thousand dollars	\$ 5,000.00

From the livestock sanitary board fund:

For the payment of slaughtered stock, as provided by law, and for salaries and expenses of the livestock sanitary board, such sums as may be available are hereby appropriated.

From the livestock sanitary board emergency fund:

For payment of emergencies arising out of the operation of the livestock sanitary board, as much as may be required when such emergency is declared to exist, as provided in Section 84-5211, Revised Codes of Montana, 1947.

LIVESTOCK COMMISSION

From the general fund:

For salaries and expenses, twenty-five thousand dollars	\$ 25,000.00
For noxious rodent control, twenty thousand dollars \$	20,000.00
For predatory animal control, twenty thousand dollars	\$ 20,000.00

From the livestock commission fund:

As much as may be necessary to pay all lawful claims, as provided by law.

From the bounty fund:

For the payment of bounty claims, so much thereof as may be necessary, as provided by law.

From the stock estray fund:

For the payment of estray claims, as much thereof as may be necessary, as provided by law.

SESSION LAWS

From the rodent control fund, as much as may be necessary to pay all lawful claims as provided by law.

BUREAU OF VOCATIONAL REHABILITATION

From the general fund:

For salaries and expenses, fifty-three thousand dollars	\$ 53,000.00
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In addition thereto, there is hereby appropriated all monies received from the federal government for vocational rehabilitation; provided, however, that no administrative salaries shall be increased from the date of approval of this act until the end of the biennium, to-wit: June 30, 1955.

APPRENTICESHIP COUNSEL

From the general fund:

For salaries, twenty-one thousand dollars.....	\$ 21,000.00
For public employees' retirement system, seven hundred fourteen dollars.....	\$ 714.00
For capital, repairs and replacements, two hundred dollars	200.00
For operation, nine thousand dollars.....	\$ 9,000.00

STATE CONTROLLER

From the general fund:

For salary of state controller, seven thousand dollars \$	7,000.00
For salaries and expenses, forty-one thousand dollars	\$ 41,000.00
For salaries and expenses for audits, inventories and budget compliance, twenty-two thousand dollars \$	22,000.00
For public employees' retirement system, two thousand seven hundred fifty dollars.....	\$ 2,750.00
For commodity distribution, eight thousand two hundred dollars	\$ 8,200.00
For livestock inventories, seven hundred fifty dollars \$	750.00
For mechanization of accounting, budgeting and reporting, eight thousand seven hundred sixty-five dollars	\$ 8,765.00

THIRTY-THIRD LEGISLATIVE ASSEMBLY

For motor vehicle records, four thousand five hundred dollars	\$ 4,500.00
From the millage fund:	
For salaries and expenses, nine thousand dollars....	\$ 9,000.00
From the highway fund:	
For salaries and expenses, twenty-one thousand dollars	\$ 21,000.00
From the fish and game fund:	
For salaries and expenses, five thousand dollars.....	\$ 5,000.00
From the commodity distribution fund:	
As much as may be necessary to pay all lawful claims, as provided by law.	

MONTANA TRADE COMMISSION

From the general fund:	
For salaries, five thousand dollars.....	\$ 5,000.00
For operation, eight hundred dollars.....	\$ 800.00
For public employees' retirement system, one hundred seventy-five dollars.....	\$ 175.00

SOIL CONSERVATION COMMITTEE

From the general fund:	
For salaries and expenses, one thousand dollars.....	\$ 1,000.00

PERSONNEL COMMISSION

From the general fund:	
For salaries and expenses, twenty-five thousand dollars	\$ 25,000.00

REGISTRAR OF MOTOR VEHICLES

From the motor vehicle recording fund:	
For salaries and expenses, as much thereof as may be necessary to pay all lawful claims as provided by law.	

STATE EXAMINER

From the general fund:	
For salaries, seventy thousand dollars.....	\$ 70,000.00

SESSION LAWS

For operations, thirty-three thousand three hundred
forty-five dollars\$ 33,345.00

For capital, repairs and replacements, one thousand
two hundred sixty dollars.....\$ 1,260.00

For public employees' retirement system, two thou-
sand three hundred eighty dollars.....\$ 2,380.00

For permanent revolving fund:

For salaries and expenses for examination given,
one thousand dollars.....\$ 1,000.00

ADJUTANT GENERAL

From the general fund:

For salary of Adjutant General, four thousand two
hundred dollars\$ 4,200.00

For salaries, twenty-nine thousand five hundred five
dollars\$ 29,505.00

For capital, repairs and replacements, one thousand
seven hundred thirty-five dollars.....\$ 1,735.00

For operation, ninety-two thousand nine hundred
seventy dollars\$ 92,970.00

For compiling and printing safety codes, five thou-
sand dollars\$ 5,000.00

For public employees' retirement system, one thou-
sand one hundred dollars.....\$ 1,100.00

BOARD OF HAIL INSURANCE

From the hail insurance administrative fund:

For salary of chairman, four thousand eight hundred
dollars\$ 4,800.00

For salaries, twelve thousand nine hundred dollars \$ 12,900.00

For expenses, twelve thousand four hundred five
dollars\$ 12,405.00

For public employees' retirement system, six hun-
dred five dollars.....\$ 605.00

THIRTY-THIRD LEGISLATIVE ASSEMBLY

From the hail insurance fund:

So much thereof as may be necessary to pay all losses and lawful claims, as provided by law.

INDUSTRIAL ACCIDENT BOARD

From the general fund:

For salary of chairman, seven thousand dollars.....	\$ 7,000.00
For salaries of others, sixty-five thousand dollars....	\$ 65,000.00
For capital, repairs and replacements, eight thousand six hundred dollars.....	\$ 8,600.00
For operation, forty-three thousand one hundred sixty-five dollars	\$ 43,165.00
For public employees' retirement system, four thousand eighty dollars.....	\$ 4,080.00
Installation of I. B. M. machines, five thousand dollars	\$ 5,000.00

From the industrial accident administrative fund:

In addition to the above appropriation, there is hereby appropriated all fees and collections accruing to the industrial administrative fund for salaries and expenses, as provided by law.

From the industrial accident fund:

So much thereof as may be necessary to pay all lawful claims, as provided by law.

From the volunteer firemen's compensation fund:

For administrative expenses as much as may be necessary, as provided by law. For disability claims as much as may be necessary, as provided by law.

BOARD OF EXAMINERS FOR COAL MINE INSPECTORS

From the general fund:

For salaries and expenses, three hundred fifty dollars \$	350.00
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STATE ENTOMOLOGIST

From the general fund:

For salaries, six thousand one hundred seventy-five dollars	\$ 6,175.00
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SESSION LAWS

For capital, repairs and replacements, four hundred twenty-five dollars	\$ 425.00
For operation, three thousand eight hundred forty-three dollars	\$ 3,843.00
For public employees' retirement system, two hundred twenty-five dollars.....	\$ 225.00

APICULTURE DIVISION

From the general fund:

For salaries, five thousand six hundred twenty-five dollars	\$ 5,625.00
For capital, repairs and replacements, one hundred twenty-five dollars	\$ 125.00
For operation, one thousand eight hundred three dollars	\$ 1,803.00
For public employees' retirement system, one hundred ninety-five dollars.....	\$ 195.00

RANGE CONTROL INVESTIGATIONS

From the general fund:

For salaries and expenses, seven thousand two hundred dollars	\$ 7,200.00
For chrysolina liberations in goat weed control, seven hundred twenty dollars	\$ 720.00

LIBRARY EXTENSION COMMISSION

From the general fund:

For salary of secretary, three thousand eight hundred dollars	\$ 3,800.00
For salaries of assistants, five thousand dollars.....	\$ 5,000.00
For salaries of temporary employees, five hundred dollars	\$ 500.00
For purchase of books and binding, four thousand dollars	\$ 4,000.00
For travel, seven hundred dollars.....	\$ 700.00

THIRTY-THIRD LEGISLATIVE ASSEMBLY

For public employees' retirement system, two hundred sixteen dollars.....	\$	216.00
For furniture and fixtures, three hundred sixty dollars	\$	360.00
For expenses, one thousand one hundred dollars.....	\$	1,100.00

LAW LIBRARY

From the general fund:

For salaries, six thousand three hundred dollars.....	\$	6,300.00
For capital, repairs and replacements, one hundred fifty dollars	\$	150.00
For operation, four hundred thirty dollars.....	\$	430.00
For legislative reference bureau, seventy-five dollars \$		75.00
For public employees' retirement system, two hundred fifteen dollars.....	\$	215.00

From the law library book fund:

So much thereof as may be necessary for the purchase of law books, as provided by law.

HISTORICAL SOCIETY OF MONTANA

From the general fund:

For salaries, twenty-six thousand four hundred dollars	\$	26,400.00
For capital, repairs and replacements, two thousand four hundred dollars.....	\$	2,400.00
For operation, six thousand six hundred dollars.....	\$	6,600.00
For public employees' retirement system, nine hundred dollars	\$	900.00
For completion of museum exhibit, twenty thousand dollars	\$	20,000.00

From the historical society fund:

As much as may be necessary to pay all lawful claims, as provided by law.

From the special library fund:

SESSION LAWS

As much as may be necessary to pay all lawful claims, as provided by law.

BOARD OF EXAMINERS

From the general fund:

For salaries, twenty-six thousand one hundred dollars	\$ 26,100.00
For capital, repairs and replacements, six hundred sixty-five dollars	665.00
For operation, one thousand eight hundred fifty dollars	1,850.00
For public employees' retirement system, eight hundred thirty dollars.....	830.00
For salaries and expenses of special investigators, eighteen thousand dollars.....	18,000.00

CONSOLIDATED BOARDS

From the general fund:

For salaries, five thousand four hundred dollars.....	\$ 5,400.00
For capital, repairs and replacements, four hundred twenty dollars	420.00
For operation, six hundred seventy dollars.....	670.00
For public employees' retirement system, one hundred eighty-five dollars	185.00
For engineering division, salary and expenses, fifteen thousand dollars.....	15,000.00

STATE ENGINEER

From the general fund:

For salary of state engineer, six thousand dollars....	\$ 6,000.00
For salaries of office employees, five thousand four hundred dollars	5,400.00
For capital, repairs and replacements, one thousand two hundred twenty-five dollars.....	1,225.00
For operation, one thousand eight hundred thirty dollars	1,830.00

THIRTY-THIRD LEGISLATIVE ASSEMBLY

For public employees' retirement system, two thousand five hundred ten dollars.....	\$ 2,510.00
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STREAM GAUGING

From the general fund:

For salaries and expenses, twenty-one thousand dollars	\$ 21,000.00
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For capital, repairs and replacements, one thousand fifty dollars	\$ 1,050.00
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CAREY LAND ACT BOARD

From the general fund:

For salary of stenographer, one thousand five hundred dollars	\$ 1,500.00
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For operation, two hundred fifty dollars.....	\$ 250.00
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From the Carey land act fund:

In addition, all revenue received or to be received, is hereby appropriated for the purpose for which the fund is established.

WATER RESOURCES SURVEY

From the general fund:

For salaries, forty thousand two hundred dollars....	\$ 40,200.00
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For capital, repairs and replacements, three thousand one hundred fifty dollars.....	\$ 3,150.00
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For operation, twenty-two thousand three hundred ninety-five dollars	\$ 22,395.00
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YELLOWSTONE RIVER COMPACT

From the general fund:

For salaries and expenses, two thousand two hundred twenty-five dollars	\$ 2,225.00
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SURVEY OF INTERNATIONAL WATERS

From the general fund:

For salaries and expenses, two thousand five hundred dollars	\$ 2,500.00
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SESSION LAWS

COLUMBIA RIVER COMPACT

From the general fund:

For salaries and expenses, eight thousand dollars.....\$	8,000.00
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COMMISSIONER OF STATE LANDS AND INVESTMENTS

From the general fund:

For salary of commissioner, seven thousand dollars \$	7,000.00
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For salaries of others, thirty-seven thousand four hundred forty dollars.....\$	37,440.00
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For capital, repairs and replacements, five hundred twenty-five dollars	\$ 525.00
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For operation, four thousand two hundred twenty-five dollars	\$ 4,225.00
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For public employees' retirement system, one thousand five hundred twenty-five dollars.....\$	1,525.00
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For disinterested investment counsel, one thousand dollars	\$ 1,000.00
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CHIEF FIELD AGENT

From the general fund:

For salary of chief field agent, five thousand four hundred dollars	\$ 5,400.00
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For salary of deputies, twenty-one thousand three hundred dollars	\$ 21,300.00
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For salaries of office employees, eight thousand eight hundred eighty dollars.....\$	8,880.00
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For capital, repairs and replacements, one hundred sixty dollars	\$ 160.00
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For operation, nineteen thousand three hundred thirty-five dollars	\$ 19,335.00
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For public employees' retirement system, one thousand two hundred dollars.....\$	1,200.00
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VETERANS' AND PIONEERS' MEMORIAL BUILDING

From the general fund:

THIRTY-THIRD LEGISLATIVE ASSEMBLY

For salaries, twelve thousand dollars.....	\$ 12,000.00
For capital, repairs and replacements, two hundred dollars	\$ 200.00
For operation, two thousand dollars.....	\$ 2,000.00
For public employees' retirement system, four hundred ten dollars.....	\$ 410.00

MITCHELL BUILDING

From the general fund:

For salaries of employees, thirty-two thousand five hundred eighty dollars.....	\$ 32,580.00
For capital, five hundred dollars.....	\$ 500.00
For repairs and replacements, five hundred dollars \$	500.00
For operation, nine thousand eight hundred five dollars	\$ 9,805.00
For public employees' retirement system, one thousand one hundred ten dollars.....	\$ 1,110.00

CAPITOL BUILDING

From the general fund:

For salaries, fifty-one thousand seven hundred thirty-six dollars	\$ 51,736.00
For salaries of postmaster and assistant, five thousand one hundred fourteen dollars.....	\$ 5,114.00
For capital, repairs and replacements, three thousand dollars	\$ 3,000.00
For operation, eighteen thousand one hundred dollars	\$ 18,100.00
For public employees' retirement system, one thousand nine hundred thirty dollars.....	\$ 1,930.00

G. A. R. CUSTODIAN

From the general fund:

For salary and expenses, five hundred dollars.....	\$ 500.00
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SESSION LAWS

MILK CONTROL BOARD

From the general fund:

For salary of secretary, five thousand four hundred dollars	\$	5,400.00
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For salaries of others, three thousand dollars.....	\$	3,000.00
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For capital, repairs and replacements, one hundred thirty dollars	\$	130.00
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For operation, four thousand six hundred dollars....	\$	4,600.00
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Provided, however, that no claim shall be made from these appropriations which will exceed in aggregate, the fees and collections deposited with the state treasurer to the credit of the general fund for that fiscal year or the appropriation herein provided.

POULTRY IMPROVEMENT BOARD

From the general fund:

For salaries and expenses, six thousand three hundred twenty dollars.....	\$	6,320.00
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For public employees' retirement system, two hundred fifteen dollars.....	\$	215.00
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From the poultry improvement board fund:

As much as may be necessary to pay all lawful claims, as provided by law.

STATE HIGHWAY COMMISSION, STATE PARK DIVISION

From the general fund:

For salaries, seven thousand five hundred dollars....	\$	7,500.00
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For public employees' retirement system, seven hundred fifty dollars.....	\$	750.00
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For operation, two thousand four hundred thirty-five dollars	\$	2,435.00
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For repairs and replacements, three thousand one hundred fifty dollars.....	\$	3,150.00
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From the state parks fund:

For salaries, fifteen thousand fifty dollars.....	\$	15,050.00
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For operation, five thousand seven hundred dollars \$		5,700.00
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THIRTY-THIRD LEGISLATIVE ASSEMBLY

UNEMPLOYMENT COMPENSATION COMMISSION
OF MONTANA

From the general fund:

For administrative salaries and expenses and for implementing the purpose of Section 11-B of Montana unemployment compensation law in opposing federalization, one thousand dollars.....\$ 1,000.00

From the unemployment compensation benefit fund:

So much thereof as may be necessary to comply with the provisions of the law.

From the Montana cash sickness and disability fund:

So much thereof as may be necessary to comply with the provisions of the law.

From the joint merit system fund:

So much thereof as may be necessary to comply with the provisions of the law.

STATE HIGHWAY COMMISSION

From the highway fund:

There is hereby appropriated out of the state highway fund all revenue for expenditures by the state highway commission as provided by law; provided that the total cost to the state for administration of the federal aid work prescribed by law shall not exceed for any fiscal year eight per cent (8%) of the total of state and federal aid and other available funds expended under the supervision of the state highway commission as provided by Initiative Measure No. 31 and acts supplementary or amendatory thereto; provided further that the state treasurer is hereby required to transfer from the state highway fund to the state highway trust fund from time to time upon the request of the highway commission, subject to the approval of the state board of examiners such parts of the money hereby appropriated as is necessary to match federal aid for construction and for reconstruction purposes, and when so transferred, said monies may be expended and drawn from the said state highway trust fund in the manner as other monies in said funds are expended.

In addition thereto, there is hereby appropriated all federal funds that may be made available for the highway purposes.

SESSION LAWS

HIGHWAY PATROL

From the general fund:	
For salary of patrol chief, six thousand dollars.....\$	6,000.00
For salary of safety director, four thousand eight hundred dollars	\$ 4,800.00
For salaries of office employees, twenty-seven thousand six hundred eighty dollars.....\$	27,680.00
For capital, repairs and replacements, five hundred dollars	\$ 500.00
For administrative operation and expenses, twelve thousand three hundred fifty dollars.....\$	12,350.00
For public employees' retirement system, nine hundred twenty-five dollars.....\$	925.00
For salaries of highway patrolmen, three hundred twenty-eight thousand two hundred dollars.....\$	328,200.00
For other expenses of patrolmen, eight thousand dollars	\$ 8,000.00
For subsistence of patrolmen, thirty-seven thousand dollars	\$ 37,000.00
For uniforms of patrolmen, thirteen thousand eight hundred seventy-five dollars.....\$	13,875.00
For patrol division salaries, three thousand six hundred dollars	\$ 3,600.00
For other expenses of patrol division, twenty-four thousand three hundred fifty dollars.....\$	24,350.00
For patrol division automotive expense, one hundred two thousand three hundred dollars.....\$	102,300.00
For capital, repairs and replacements, nine hundred dollars	\$ 900.00
For patrol division law enforcement equipment, five thousand two hundred dollars.....\$	5,200.00
For patrol division mobile equipment, sixty-one thousand nine hundred eight dollars.....\$	61,908.00

THIRTY-THIRD LEGISLATIVE ASSEMBLY

DRIVER'S EXAMINATION SECTION OF THE MONTANA HIGHWAY PATROL

From the general fund:

For salary of chief examiner, four thousand eight hundred dollars	\$ 4,800.00
For salaries of patrolmen, thirty-eight thousand one hundred dollars	\$ 38,100.00
For salaries of office employees, twenty-three thousand one hundred eighty dollars.....	\$ 23,180.00
For capital, repairs and replacements, one hundred fifty dollars	\$ 150.00
For operation and expenses, thirty-six thousand three hundred fifty dollars.....	\$ 36,350.00
For automotive expense, six thousand six hundred dollars	\$ 6,600.00
For furniture and fixtures, three thousand sixty-five dollars	\$ 3,065.00
For law enforcement equipment, one hundred fifty dollars	\$ 150.00
For mobile equipment, eleven thousand six hundred dollars	\$ 11,600.00
For public employees' retirement system, seven hundred ninety dollars.....	\$ 790.00

MOTOR VEHICLE SAFETY-RESPONSIBILITY

From the general fund:

For salary and expenses, fourteen thousand two hundred eighty dollars.....	\$ 14,280.00
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VETERANS' WELFARE COMMISSION

From the general fund:

For salaries and expenses, one hundred sixty thousand dollars	\$ 160,000.00
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WATER CONSERVATION BOARD

From the general fund:

SESSION LAWS

For administrative salaries and expenses, fifty-two thousand five hundred dollars.....\$ 52,500.00

For betterments and repairs to existing projects and extensions to existing projects and construction of new projects, three hundred seventy-five thousand dollars \$ 375,000.00

For salary and expenses, Washington, D. C. representative, two thousand five hundred dollars.....\$ 2,500.00

For public employee's retirement system, seven thousand five hundred dollars.....\$ 7,500.00

For salaries and expenses for the revolving fund, eighty thousand dollars.....\$ 80,000.00

In addition to the above appropriation all monies paid or to be repaid the water conservation board from any source by reason of any previous expenditures made by said board from state funds, are hereby appropriated.

STATE BOARD OF EQUALIZATION ADMINISTRATION

From the general fund:

For salary of secretary, four thousand eight hundred dollars\$ 4,800.00

For salaries of board members, twenty-one thousand dollars\$ 21,000.00

For salaries of other employees, fifty-one thousand four hundred dollars.....\$ 51,400.00

From the highway fund:

For salaries of other employees, six thousand eight hundred dollars\$ 6,800.00

From the general fund:

For operation, twelve thousand three hundred seventy-five dollars\$ 12,375.00

For public employees' retirement system, two thousand nine hundred dollars.....\$ 2,900.00

For capital, repairs and replacements, two thousand five hundred dollars.....\$ 2,500.00

INCOME TAX DIVISION

From the general fund:

THIRTY-THIRD LEGISLATIVE ASSEMBLY

For salary of supervisor, six thousand dollars.....	\$ 6,000.00
For salaries, one hundred thirteen thousand nine hundred twenty-five dollars.....	\$ 113,925.00
For capital, repairs and replacements, four thousand one hundred thirty dollars.....	\$ 4,130.00
For operation, twenty-four thousand six hundred seventy-five dollars	\$ 24,675.00
For public employees' retirement system, four thousand two hundred thirty-eight dollars.....	\$ 4,238.00
Seventy-five per cent (75%) of so much as is necessary to carry out the provisions of the withholding tax law, including necessary refunds.	
From the public school equalization fund:	
For salaries, thirty-nine thousand nine hundred seventy-five dollars	\$ 39,975.00
For public employees' retirement system, one thousand four hundred twelve dollars.....	\$ 1,412.00
For capital, repairs and replacements, one thousand three hundred seventy-seven dollars.....	\$ 1,377.00
For operation eight thousand two hundred twenty-five dollars	\$ 8,225.00
Twenty-five per cent (25%) of so much as is necessary to carry out the provisions of the withholding tax law, including necessary refunds.	

CORPORATION LICENSE TAX DIVISION

From the general fund:	
For salary of auditor, four thousand eight hundred dollars	\$ 4,800.00
For salaries, twelve thousand seventy-five dollars....	\$ 12,075.00
For capital, repairs and replacements, eight hundred eighteen dollars	\$ 818.00
For operation, five thousand one hundred eight dollars	\$ 5,108.00
For public employees' retirement system, five hundred seventy-four dollars.....	\$ 574.00

SESSION LAWS

From the public school equalization fund:

For salaries, five thousand six hundred twenty-five dollars	\$ 5,625.00
For capital, repairs and replacements, two hundred seventy-two dollars	\$ 272.00
For operation, one thousand seven hundred two dollars	\$ 1,702.00
For public employees' retirement system, one hundred ninety-one dollars.....	\$ 191.00

LICENSING DIVISION

From the general fund:

For salary of supervisor, four thousand eight hundred dollars	\$ 4,800.00
For salaries, twelve thousand eight hundred forty dollars	\$ 12,840.00
For capital, repairs and replacements, five hundred fifty dollars	\$ 550.00
For operation, sixteen thousand three hundred thirty-five dollars	\$ 16,335.00
For public employees' retirement system, six hundred dollars	\$ 600.00

GASOLINE TAX REFUND AND TAX DIVISION

From the highway fund:

For public employees' retirement system, one thousand five hundred dollars.....	\$ 1,500.00
For salary of chief clerk, four thousand eight hundred dollars	\$ 4,800.00
For salaries, thirty-nine thousand five hundred dollars	\$ 39,500.00
For capital, repairs and replacements, two thousand dollars	\$ 2,000.00
For operation, sixteen thousand two hundred seventy-five dollars	\$ 16,275.00

From the gasoline drawback fund:

THIRTY-THIRD LEGISLATIVE ASSEMBLY

For gasoline drawbacks, including refunds to the federal government, as much as may be necessary to comply with the provisions of the law.

DEPARTMENT OF AGRICULTURE ADMINISTRATION

From the general fund:	
For salaries, twenty thousand dollars.....	\$ 20,000.00
For capital, repairs and replacements, three hundred fifty dollars	\$ 350.00
For operation, six thousand dollars.....	\$ 6,000.00
For public employees' retirement system, five thousand two hundred dollars.....	\$ 5,200.00
For compiling and publishing agricultural statistics, ten thousand dollars.....	\$ 10,000.00

DAIRY DIVISION

From the general fund:	
For salaries, twenty-five thousand seven hundred dollars	\$ 25,700.00
For capital, repairs and replacements, five hundred dollars	\$ 500.00
For operation, ten thousand six hundred seventy dollars	\$ 10,670.00

RUST CONTROL DIVISION

From the general fund:	
For salaries and expenses, four thousand dollars.....	\$ 4,000.00

GRAIN STANDARDS AND MARKETING DIVISION

From the general fund:	
For salaries, seventy-two thousand five hundred forty dollars	\$ 72,540.00
For capital, repairs and replacements, five thousand five hundred dollars.....	\$ 5,500.00
For operation, twelve thousand dollars.....	\$ 12,000.00

SESSION LAWS

In addition to other sums appropriated, for expenses of the Grain Standards and Marketing Division, there is hereby appropriated from the general fund the sum of twelve thousand dollars.....\$ 12,000.00 or so much thereof as may be necessary to meet emergencies, provided, however, that if part or all of this emergency appropriation is expended, the aggregate appropriation for said division for the fiscal year shall not exceed the deposits made to the general fund by said division.

WEIGHTS AND MEASURES DIVISION

From the general fund:

For salaries, eighteen thousand dollars.....\$ 18,000.00

For capital, repairs and replacements, seven thousand dollars\$ 7,000.00

For operation, seventeen thousand five hundred dollars\$ 17,500.00

For expenses for inspection of petroleum measuring devices, one thousand five hundred dollars.....\$ 1,500.00

HORTICULTURE DIVISION

From the general fund:

For salaries, seventy-two thousand two hundred ten dollars\$72,210.00

For capital, repairs and replacements, two hundred dollars\$ 200.00

For operation, twenty-one thousand seven hundred sixty-five dollars\$ 21,765.00

From the highway fund:

For operation, six thousand three hundred dollars....\$ 6,300.00

REAL ESTATE DIVISION

From the general fund:

For salaries and expenses, three thousand nine hundred dollars\$ 3,900.00

COMMERCIAL FERTILIZER DIVISION

From the general fund:

THIRTY-THIRD LEGISLATIVE ASSEMBLY

For salaries and expenses, eight hundred thirty-five dollars	\$ 835.00
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COMMERCIAL FEED DIVISION

From the commercial feed fund:

As much as may be necessary to carry out the provisions of the law under which this fund was established.

STATE FORESTER ADMINISTRATION

From the general fund:

For salaries, twenty-eight thousand three hundred dollars	\$ 28,300.00
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For capital, repairs and replacements, two thousand one hundred dollars.....	\$ 2,100.00
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For operation, three thousand one hundred seventy dollars	\$ 3,170.00
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For public employees' retirement system, two thousand nine hundred dollars.....	\$ 2,900.00
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For the control of spruce bud worm, and for spruce bark beetle control, two thousand nine hundred fifty-two dollars	\$ 2,952.00
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PROTECTION OF STATE LANDS

From the general fund:

For salaries and expenses, thirty thousand eight hundred forty-seven dollars.....	\$ 30,847.00
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TIMBER SALES

From the general fund:

For salaries and expenses, sixty-two thousand dollars \$	62,000.00
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In addition to the above appropriations, there is hereby appropriated all moneys received from the federal government or trust, to be used for the purposes for which they were provided.

ATHLETIC COMMISSION

From the veterans' memorial fund:

For salaries and expenses, as much as may be necessary to pay all lawful claims, as provided by law.

SESSION LAWS

BOARD OF FORESTRY

From the general fund: ‘

For salaries and expenses, one thousand five hundred dollars	\$	1,500.00
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RURAL FIRE FIGHTERS SERVICE

From the general fund:

For salaries and expenses, two thousand three hundred sixty-two dollars.....	\$	2,362.00
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From the keep Montana green fund:

As much as may be necessary to pay all lawful claims as provided by law.

DEPARTMENT OF LABOR AND INDUSTRY

From the general fund:

For salary of commissioner, five thousand dollars....	\$	5,000.00
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For salaries of others, seven thousand two hundred dollars	\$	7,200.00
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For capital, repairs and replacements, one hundred sixty dollars	\$	160.00
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For operation, three thousand five hundred dollars....	\$	3,500.00
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For public employees’ retirement system, four hundred fifteen dollars.....	\$	415.00
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ADJUSTED COMPENSATION DIVISION

From the veterans’ compensation fund:

As much as may be necessary to pay all lawful claims, as provided by law.

CIVIL DEFENSE AGENCY

From the general fund:

For salaries and expenses, ten thousand five hundred dollars	\$	10,500.00
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From the civil defense fund:

As such as may be necessary to pay all lawful claims as provided by law.

THIRTY-THIRD LEGISLATIVE ASSEMBLY
CO-ORDINATOR OF INDIAN AFFAIRS

From the general fund:		
For salary of co-ordinator, five hundred dollars.....	\$	500.00
For salary of stenographer, two thousand four hundred dollars	\$	2,400.00
For administrative expenses, one thousand dollars....	\$	1,000.00
For travel, two thousand dollars.....	\$	2,000.00

BOARD OF ENTOMOLOGY

From the general fund:		
For salaries and expenses, three hundred fifty dollars	\$	350.00

DISTRICT JUDGES

From the general fund:		
For salaries, one hundred eighty thousand dollars....	\$	180,000.00
For travel, fifteen thousand dollars.....	\$	15,000.00
For public employees' retirement system, four thousand one hundred dollars.....	\$	4,100.00

COUNTY ATTORNEYS

From the general fund:		
For salaries, seventy-five thousand dollars.....	\$	75,000.00
For public employees' retirement system, two thousand five hundred fifty dollars.....	\$	2,550.00

TRANSPORTATION OF PRISONERS

From the general fund:		
For the purpose of paying the expenses of transporting prisoners, eighteen thousand dollars.....	\$	18,000.00

PUBLIC EMPLOYEES' RETIREMENT SYSTEM

From the public employees' retirement system fund:		
As much as may be necessary to pay all lawful claims, as provided by law.		

SESSION LAWS

STATE AERONAUTICS COMMISSION

From the state aviation fund:

For salaries and expenses, including salaries, so much thereof as may be necessary to pay all lawful claims as provided by law.

FIRE INSURANCE

From the general fund:

As much as may be necessary for premiums on insurance on institutions or departments applicable thereto, eleven thousand dollars.....\$ 11,000.00

From the millage fund:

As much as may be necessary for insurance on buildings or institutions for the greater university of Montana, sixteen thousand dollars.....\$ 16,000.00

From the highway fund:

For premiums on insurance for the highway department, five thousand dollars.....\$ 5,000.00

From the motor recording fund:

For premiums on insurance for the motor vehicle department, two hundred dollars.....\$ 200.00

REGULATORY BOARDS

All regulatory boards for which the law provides for collection of fees and such fees are deposited with the state treasurer, as trust funds, are hereby appropriated for the use of each of the said boards, a sum equal to the amount of their collections, except wherein the law provides for deductions.

STATE LIQUOR CONTROL BOARD

The state liquor control board is hereby authorized to pay all lawful claims from the monies received from the sale of liquor in the administration of the liquor control act as provided in Sections 4-228 and 4-229, Revised Codes of Montana, 1947.

BEER DIVISION

From the beer act fund:

There is hereby appropriated as much as may be necessary not exceeding ten per cent (10%) of all revenue received, as provided in Section 4-347, Revised Codes of Montana, 1947.

THIRTY-THIRD LEGISLATIVE ASSEMBLY

BOARD OF EDUCATION

From the general fund:

For expenses, four thousand three hundred dollars....\$ 4,300.00

From the public school equalization fund:

For salaries, six thousand dollars.....\$ 6,000.00

From the millage fund:

For salaries and expenses, six thousand dollars.....\$ 6,000.00

WESTERN REGIONAL EDUCATION COMPACT

From the general fund:

For expenses, seven thousand dollars.....\$ 7,000.00

For student exchange fees, five thousand dollars.....\$ 5,000.00

VOCATIONAL EDUCATION

From the general fund:

For salaries and expenses, forty-three thousand eight hundred fifty dollars\$ 43,850.00

In addition to the foregoing amounts, all income from federal funds known as Vocational United States Aid fund, George Dean fund, or any other federal funds that may be available, are hereby appropriated. No reimbursement shall be made to any of the units of the university of Montana from the above general fund appropriations.

From the public school equalization fund:

For salaries and expenses, ten thousand dollars.....\$ 10,000.00

For reimbursement to local schools, twenty-five thousand dollars\$ 25,000.00

VISUAL EDUCATION

From the public school equalization fund:

For salaries, fifteen thousand seven hundred dollars \$ 15,700.00

For capital, repairs and replacements, two hundred dollars\$ 200.00

For operation, five thousand eight hundred seventy-five dollars\$ 5,875.00

SESSION LAWS

For public employees' retirement system, and teachers' retirement system, two hundred twenty-five dollars\$ 225.00

BOARD OF HEALTH

From the general fund:

For salary of executive officer, twelve thousand dollars\$ 12,000.00

For salaries and expenses, two hundred seventy thousand three hundred fifty dollars.....\$ 270,350.00

For narcotics education, five thousand seven hundred seventy-five dollars\$ 5,775.00

For cerebral palsy, twenty-seven thousand five hundred dollars\$ 27,500.00

In addition thereto, there is hereby appropriated any money that may be received from the federal government to be used as provided in the grants for the various departments.

OIL AND GAS CONSERVATION COMMISSION

From the general fund:

There is hereby appropriated for the use of the oil and gas conservation commission, eleven thousand five hundred dollars\$ 11,500.00
plus all money that may be in the oil and gas conservation fund.

FISH AND GAME COMMISSION

From the fish and game fund:

As much as may be necessary to pay all lawful claims as provided by law. In addition thereto, there is hereby appropriated all federal funds which may be received for the use of the Fish and Game Commission.

Section 3. That the following sums, or so much thereof as may be found necessary, be, and the same are hereby appropriated out of any monies in the state treasury, and from special funds enumerated herein not otherwise appropriated for the objects and purposes hereinafter expressed, for the period beginning July 1, 1954, and ending June 30, 1955.

THIRTY-THIRD LEGISLATIVE ASSEMBLY

LIVESTOCK SANITARY BOARD

From the general fund:

For salaries, one hundred thousand dollars.....	\$ 100,000.00
For expenses, twenty thousand three hundred ten dollars	\$ 20,310.00
For public employees' retirement system, four thousand six hundred dollars.....	\$ 4,600.00
For poultry disease control, four thousand six hundred dollars	\$ 4,600.00
For brucellosis control, twenty thousand dollars.....	\$ 20,000.00
For vibriosis control, five thousand dollars.....	\$ 5,000.00
For slaughter meat inspection, five thousand dollars	\$ 5,000.00

From the livestock sanitary board fund:

For payment of slaughtered stock, as provided by law, and for salaries and expenses of the livestock sanitary board, such sums as may be available are hereby appropriated.

From the livestock sanitary board emergency fund:

For payment of emergencies arising out of the operation of the livestock sanitary board, as much as may be required when such emergency is declared to exist, as provided in Section 84-5211, Revised Codes of Montana, 1947.

LIVESTOCK COMMISSION

From the general fund:

For salaries and expenses, twenty-five thousand dollars	\$ 25,000.00
For noxious rodent control, twenty thousand dollars	\$ 20,000.00
For predatory animal control, twenty thousand dollars	\$ 20,000.00

From the livestock commission fund:

As much as may be necessary to pay all lawful claims, as provided by law.

From the bounty fund:

For the payment of bounty claims, so much thereof as may be necessary, as provided by law.

SESSION LAWS

From the stock estray fund:

For the payment of estray claims, so much thereof as may be necessary, as provided by law.

From the rodent control fund:

As much as may be necessary to pay all lawful claims, as provided by law.

BUREAU OF VOCATIONAL REHABILITATION

From the general fund:

For salaries and expenses, fifty-three thousand dollars\$ 53,000.00

In addition thereto, there is hereby appropriated all monies received from the federal government for vocational rehabilitation: provided, however, that no administrative salaries shall be increased from the date of approval of this act until the end of the biennium, to-wit: June 30, 1955.

APPRENTICESHIP COUNCIL

From the general fund:

For salaries, twenty-one thousand dollars.....\$ 21,000.00

For public employees' retirement system, seven hundred fourteen dollars.....\$ 714.00

For capital, repairs and replacements, two hundred dollars\$ 200.00

For operation, nine thousand dollars.....\$ 9,000.00

STATE CONTROLLER

From the general fund:

For salary of state controller, seven thousand dollars \$ 7,000.00

For salaries and expenses, forty-three thousand dollars\$ 43,000.00

For salaries and expenses and audits, inventories and budget compliance, twenty-two thousand dollars.....\$ 22,000.00

For public employees' retirement system, two thousand seven hundred fifty dollars.....\$ 2,750.00

For commodity distribution, eight thousand two hundred dollars\$ 8,200.00

THIRTY-THIRD LEGISLATIVE ASSEMBLY

For livestock inventories, seven hundred fifty dollars \$	750.00
For mechanization of accounting, budgeting and reporting, nineteen thousand eighty-five dollars.....\$	19,085.00
For compiling motor vehicle records, four thousand five hundred dollars.....\$	4,500.00
From the millage fund:	
For salaries and expenses, nine thousand dollars.....\$	9,000.00
From the highway fund:	
For salaries and expenses, twenty-one thousand dollars	\$ 21,000.00
From the fish and game fund:	
For salaries and expenses, five thousand dollars.....\$	5,000.00
From the commodity distribution fund:	
As much as may be necessary to pay all lawful claims as provided by law.	

MONTANA TRADE COMMISSION

From the general fund:	
For salaries, five thousand dollars.....\$	5,000.00
For operation, eight hundred dollars.....\$	800.00
For public employees' retirement system, one hundred seventy-five dollars.....\$	175.00

SOIL CONSERVATION COMMITTEE

From the general fund:	
For salaries and expenses, one thousand dollars.....\$	1,000.00

PERSONNEL COMMISSION

From the general fund:	
For salaries and expenses, twenty-five thousand dollars	\$ 25,000.00

REGISTRAR OF MOTOR VEHICLES

From the motor vehicle recording fund:	
For salaries and expenses, as much thereof as may be necessary to pay all lawful claims as provided by law.	

SESSION LAWS

STATE EXAMINER

From the general fund:	
For salaries, seventy thousand dollars.....\$	70,000.00
For operation, thirty-three thousand three hundred forty-five dollars	\$ 33,345.00
For capital, repairs and replacements, one thousand two hundred sixty dollars.....\$	1,260.00
For public employees' retirement system, two thou- sand three hundred eighty dollars.....\$	2,380.00

ADJUTANT GENERAL

From the general fund:	
For salary of adjutant general, four thousand two hundred dollars	\$ 4,200.00
For salaries, twenty-nine thousand five hundred five dollars	\$ 29,505.00
For capital, repairs and replacements, four hundred seventy-five dollars	475.00
For operation, ninety thousand nine hundred sev- enty dollars	\$ 90,970.00
For public employees' retirement system, one thou- sand one hundred dollars.....\$	1,100.00

BOARD OF HAIL INSURANCE

From the hail insurance administrative fund:	
For salaries of chairman, four thousand eight hun- dred dollars	\$ 4,800.00
For salaries, twelve thousand nine hundred dollars \$	12,960.00
For expenses, twelve thousand four hundred five dollars	\$ 12,405.00
For public employees' retirement system, six hun- dred five dollars.....\$	605.00

From hail insurance fund:

So much thereof as may be necessary to pay all losses and law-
ful claims, as provided by law.

THIRTY-THIRD LEGISLATIVE ASSEMBLY

INDUSTRIAL ACCIDENT BOARD

From the general fund:

For salary of chairman, seven thousand dollars.....\$	7,000.00
For salaries of others, sixty-five thousand dollars....\$	65,000.00
For capital, repairs and replacements, five thousand six hundred dollars.....\$	5,600.00
For operation, forty-three thousand one hundred six- ty-five dollars	\$ 43,165.00
For public employees' retirement system, four thou- sand eighty dollars.....\$	4,080.00
Installation of I. B. M. machines, two thousand dol- lars	\$ 2,000.00

From the industrial accident administrative fund:

In addition to the above appropriation, there is hereby appro-
priated all fees and collections accruing to the industrial ad-
ministrative fund for salaries and expenses, as provided by law.

From the industrial accident fund:

So much thereof as may be necessary to pay all lawful claims,
as provided by law.

From the volunteer firemen's compensation fund:

For administrative expense as much as may be necessary, as
provided by law.

For disability claims as much as may be necessary, as provided
by law.

BOARD OF EXAMINERS FOR COAL MINE INSPECTORS

From the general fund:

For salaries and expenses, three hundred fifty dol- lars	\$ 350.00
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STATE ENTOMOLOGIST

From the general fund:

For salaries, six thousand one hundred seventy-five dollars	\$ 6,175.00
For capital, repairs and replacements, three hun- dred sixty-five dollars.....\$	365.00

SESSION LAWS

For operation, three thousand nine hundred eighty-eight dollars	\$	3,988.00
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For public employees' retirement system, two hundred twenty-five dollars.....	\$	225.00
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APICULTURE DIVISION

From the general fund:

For salaries, five thousand six hundred twenty-five dollars	\$	5,625.00
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For capital, repairs and replacements, fifteen dollars \$	15.00
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For operation, one thousand eight hundred three dollars	\$	1,803.00
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For public employees' retirement system, one hundred ninety-five dollars.....	\$	195.00
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RANGE CONTROL INVESTIGATIONS

From the general fund:

For salaries and expenses, seven thousand two hundred dollars	\$	7,200.00
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LIBRARY EXTENSION COMMISSION

From the general fund:

For salary of secretary, three thousand eight hundred dollars	\$	3,800.00
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For salaries of assistants, five thousand dollars.....	\$	5,000.00
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For salaries of temporary employees, five hundred dollars	\$	500.00
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For purchase of books and binding, four thousand dollars	\$	4,000.00
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For travel, seven hundred dollars.....	\$	700.00
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For public employees' retirement system, two hundred sixteen dollars.....	\$	216.00
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For furniture and fixtures, three hundred sixty dollars	\$	360.00
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For expenses, one thousand one hundred dollars.....	\$	1,100.00
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THIRTY-THIRD LEGISLATIVE ASSEMBLY

LAW LIBRARY

From the general fund:	
For salaries, six thousand three hundred dollars.....	\$ 6,300.00
For capital, repairs and replacements, one hundred fifty dollars	\$ 150.00
For operation, three hundred dollars.....	\$ 300.00
For legislative reference bureau, seventy-five dollars	\$ 75.00
For public employees' retirement system, two hundred fifteen dollars.....	\$ 215.00
From the law library book fund:	
So much thereof as may be necessary for the purchase of law books, as provided by law.	

HISTORICAL SOCIETY OF MONTANA

From the general fund:	
For salaries, twenty-six thousand four hundred dollars	\$ 26,400.00
For capital, repairs and replacements, two thousand four hundred dollars.....	\$ 2,400.00
For operation, six thousand six hundred dollars.....	\$ 6,600.00
For public employees' retirement system, nine hundred dollars	\$ 900.00
From the historical society fund:	
As much as may be necessary to pay all lawful claims, as provided by law.	
From the special library fund:	
As much as may be necessary to pay all lawful claims, as provided by law.	

BOARD OF EXAMINERS

From the general fund:	
For salaries, twenty-six thousand one hundred dollars	\$ 26,100.00
For capital, repairs and replacements, four hundred eighty-five dollars	\$ 485.00

SESSION LAWS

For operation, one thousand eight hundred fifty dollars	\$ 1,850.00
For public employees' retirement system, eight hundred thirty dollars.....	\$ 830.00
For special investigators, eighteen thousand dollars....	\$ 18,000.00

CONSOLIDATED BOARDS

From the general fund:	
For salaries, five thousand four hundred dollars.....	\$ 5,400.00
For capital, repairs and replacements, two hundred sixty dollars	\$ 260.00
For operation, six hundred seventy dollars.....	\$ 670.00
For public employees' retirement system, one hundred eighty-five dollars.....	\$ 185.00
For engineering division, salary and expenses, ten thousand dollars	\$ 10,000.00

STATE ENGINEER

From the general fund:	
For salary of state engineer, six thousand dollars....	\$ 6,000.00
For salaries of office employees, five thousand four hundred dollars	\$ 5,400.00
For capital, repairs and replacements, five hundred twenty-five dollars	\$ 525.00
For operation, one thousand eight hundred thirty dollars	\$ 1,830.00
For public employees' retirement system, two thousand five hundred ten dollars.....	\$ 2,510.00

STREAM GAUGING

From the general fund:	
For salaries and expenses, twenty-one thousand dollars	\$ 21,000.00
For capital, repairs and replacements, one thousand fifty dollars	\$ 1,050.00

THIRTY-THIRD LEGISLATIVE ASSEMBLY

WATER RESOURCES SURVEY

From the general fund:	
For salaries, forty thousand two hundred dollars.....	\$ 40,200.00
For capital, repairs and replacements, three thousand one hundred fifty dollars.....	\$ 3,150.00
For operation, twenty-two thousand three hundred ninety-five dollars	\$ 22,395.00

YELLOWSTONE RIVER COMPACT

From the general fund:	
For salaries and expenses, seven hundred five dollars	\$ 705.00

SURVEY OF INTERNATIONAL WATERS

From the general fund:	
For salaries and expenses, two thousand five hundred dollars	\$ 2,500.00

COLUMBIA RIVER COMPACT

From the general fund:	
For salaries and expenses, eight thousand dollars....	\$ 8,000.00

COMMISSIONER OF STATE LANDS AND INVESTMENTS

From the general fund:	
For salary of commissioner, seven thousand dollars....	\$ 7,000.00
For salaries of others, thirty-seven thousand four hundred forty dollars.....	\$ 37,440.00
For capital, repairs and replacements, five hundred twenty-five dollars	\$ 525.00
For operation, four thousand two hundred twenty-five dollars	\$ 4,225.00
For public employees' retirement system, one thousand five hundred twenty-five dollars.....	\$ 1,525.00
For disinterested investment counsel, one thousand dollars	\$ 1,000.00

SESSION LAWS

CHIEF FIELD AGENT

From the general fund:

For salary of chief field agent, five thousand four hundred dollars	\$ 5,400.00
For salary of deputies, twenty-one thousand three hundred dollars	\$ 21,300.00
For salaries of office employees, eight thousand eight hundred eighty dollars.....	\$ 8,880.00
For capital, repairs and replacements, one hundred sixty dollars	\$ 160.00
For operation, nineteen thousand three hundred thirty-five dollars	\$ 19,335.00
For public employees' retirement system, one thousand two hundred dollars.....	\$ 1,200.00

VETERANS' AND PIONEERS' MEMORIAL BUILDING

From the general fund:

For salaries, twelve thousand dollars.....	\$ 12,000.00
For capital, repairs and replacements, one hundred dollars	\$ 100.00
For operation, two thousand dollars.....	\$ 2,000.00
For public employees' retirement system, four hundred ten dollars.....	\$ 410.00

MITCHELL BUILDING

From the general fund:

For salaries of employees, thirty-two thousand five hundred eighty dollars.....	\$ 32,580.00
For capital, five hundred dollars.....	\$ 500.00
For repairs and replacements, five hundred dollars....	\$ 500.00
For operation, nine thousand eight hundred five dollars	\$ 9,805.00
For public employees' retirement system, one thousand one hundred ten dollars.....	\$ 1,110.00

THIRTY-THIRD LEGISLATIVE ASSEMBLY

CAPITOL BUILDING

From the general fund:

For salaries, fifty-one thousand seven hundred thirty-six dollars	\$ 51,736.00
For salaries of postmaster and assistant, five thousand one hundred fourteen dollars.....	\$ 5,114.00
For capital, repairs and replacements, two thousand dollars	\$ 2,000.00
For operation, eighteen thousand one hundred dollars	\$ 18,100.00
For public employees' retirement system, one thousand nine hundred thirty dollars.....	\$ 1,930.00

G. A. R. CUSTODIAN

From the general fund:

For salary and expenses, five hundred dollars.....	\$ 500.00
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MILK CONTROL BOARD

From the general fund:

For salary of secretary, five thousand four hundred dollars	\$ 5,400.00
For salaries of others, three thousand dollars.....	\$ 3,000.00
For capital, repairs and replacements, one hundred thirty dollars	\$ 130.00
For operation, four thousand six hundred dollars....	\$ 4,600.00

Provided, however, that no claim shall be made from these appropriations which will exceed in aggregate, the fees and collections deposited with the state treasurer to the credit of the general fund for that fiscal year or the appropriation herein provided.

POULTRY IMPROVEMENT BOARD

From the general fund:

For salaries and expenses, six thousand three hundred twenty dollars.....	\$ 6,320.00
For public employees' retirement system, two hundred fifteen dollars.....	\$ 215.00

SESSION LAWS

From the poultry improvement board fund:

As much as may be necessary to pay all lawful claims, as provided by law.

STATE HIGHWAY COMMISSION, STATE PARKS DIVISION

From the general fund:

For salaries, seven thousand five hundred dollars....\$ 7,500.00

For public employees' retirement system, seven hundred fifty dollars.....\$ 750.00

For operation, two thousand four hundred thirty-five dollars\$ 2,435.00

For repairs and replacements, three thousand one hundred fifty dollars.....\$ 3,150.00

From the state parks fund:

For salaries, fifteen thousand fifty dollars.....\$ 15,050.00

For operation, five thousand seven hundred dollars \$ 5,700.00

UNEMPLOYMENT COMPENSATION COMMISSION OF MONTANA

From the general fund:

For administrative salaries and expenses, and for implementing the purpose of Section 11-B of Montana unemployment compensation law in opposing federalization, one thousand dollars.....\$ 1,000.00

From the unemployment compensation benefit fund:

So much thereof as may be necessary to comply with the provisions of the law.

From the Montana cash sickness and disability fund:

So much thereof as may be necessary to comply with the provisions of the law.

From the joint merit system fund:

So much thereof as may be necessary to comply with the provisions of the law.

STATE HIGHWAY COMMISSION

From the highway fund:

THIRTY-THIRD LEGISLATIVE ASSEMBLY

There is hereby appropriated out of the state highway fund all revenue for expenditures by the state highway commission as provided by law; provided that the total cost to the state for administration of the federal aid work prescribed by law shall not exceed for any fiscal year eight per cent (8%) of the total of the state and federal aid and other available funds expended under the supervision of the state highway commission as provided by Initiative Measure No. 31 and acts supplementary or amendatory thereto; provided further that the state treasurer is hereby required to transfer from the state highway fund to the state highway trust fund from time to time upon the request of the highway commission, subject to the approval of the state board of examiners such parts of the money hereby appropriated as is necessary to match federal aid for construction and for reconstruction purposes and when so transferred, said moneys may be expended and drawn from the said state highway trust fund in the manner as other moneys in said funds are expended.

In addition thereto, there is hereby appropriated all federal funds that may be made available for the highway purposes.

HIGHWAY PATROL

From the general fund:

For salary of patrol chief, six thousand dollars.....\$	6,000.00
For salary of safety director, four thousand eight hundred dollars	\$ 4,800.00
For salaries of office employees, twenty-seven thousand six hundred eighty dollars.....\$	27,680.00
For capital, repairs and replacements, five hundred dollars	\$ 500.00
For administrative operation and expenses, twelve thousand three hundred fifty dollars.....\$	12,350.00
For public employees' retirement system, nine hundred twenty-five dollars.....\$	925.00
For salaries of highway patrolmen, three hundred twenty-eight thousand two hundred dollars.....\$	328,200.00
For other expenses of patrolmen, eight thousand dollars	\$ 8,000.00

SESSION LAWS

For subsistence of patrolmen, thirty seven thousand dollars	\$ 37,000.00
For uniforms of patrolmen, nine thousand two hundred dollars	\$ 9,200.00
For patrol division salaries, three thousand six hundred dollars	\$ 3,600.00
For other expenses of patrol division, twenty-six thousand three hundred fifty dollars	\$ 26,350.00
For patrol division automotive expense, one hundred thousand eight hundred dollars	\$ 100,800.00
For patrol division mobile equipment, forty-four thousand four hundred dollars	\$ 44,400.00

DRIVER'S EXAMINATION SECTION OF THE MONTANA HIGHWAY PATROL

From the general fund:

For salary of chief examiner, four thousand eight hundred dollars	\$ 4,800.00
For salaries of patrolmen, thirty-eight thousand one hundred dollars	\$ 38,100.00
For salaries of office employees, twenty-three thousand one hundred eighty dollars.....	\$ 23,180.00
For capital, repairs and replacements, one hundred fifty dollars	\$ 150.00
For operation and expenses, thirty-five thousand six hundred dollars	\$ 35,600.00
For automotive expense, six thousand six hundred dollars	\$ 6,600.00
For public employees' retirement system, seven hundred ninety dollars.....	\$ 790.00

MOTOR VEHICLE SAFETY RESPONSIBILITY

From the general fund:

For salary and expenses, fourteen thousand two hundred eighty dollars.....	\$ 14,280.00
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THIRTY-THIRD LEGISLATIVE ASSEMBLY

BOARD OF HEALTH

From the general fund:

For salary of executive officer, twelve thousand dollars	\$ 12,000.00
For salaries and expenses, two hundred seventy thousand three hundred fifty dollars.....	\$ 270,350.00
For narcotics education, five thousand seven hundred seventy-five dollars.....	\$ 5,775.00
For cerebral palsy, twenty-seven thousand five hundred dollars	\$ 27,500.00

In addition thereto, there is hereby appropriated any money that may be received from the federal government to be used as provided in the grants for the various departments.

VETERANS' WELFARE COMMISSION

From the general fund:

For salaries and expenses, one hundred sixty thousand dollars	\$ 160,000.00
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WATER CONSERVATION BOARD

From the general fund:

For salaries and expenses for administrative salaries and expenses, fifty-two thousand five hundred dollars	\$ 52,500.00
For betterments and repairs to existing projects, extensions to existing projects and construction of new projects, three hundred seventy-five thousand dollars \$	375,000.00
For salary and expenses, Washington, D. C. representative, two thousand five hundred dollars.....	\$ 2,500.00
For public employees' retirement system, seven thousand five hundred dollars.....	\$ 7,500.00
For salaries and expenses for the revolving fund, eighty thousand dollars.....	\$ 80,000.00

In addition to the above appropriations, all monies paid or to be repaid the water conservation board from any source by reason of any previous expenditures made by said board from state funds, are hereby appropriated.

SESSION LAWS

STATE BOARD OF EQUALIZATION ADMINISTRATION

From the general fund:

For salary of secretary, five thousand dollars.....	\$ 5,000.00
For salary of board members, twenty-one thousand dollars	\$ 21,000.00
For salary of others, fifty-two thousand one hundred dollars	\$ 52,100.00
For capital, repairs and replacements, one thousand dollars	\$ 1,000.00
For operation, fourteen thousand five hundred twenty-five dollars	\$ 14,525.00
For public employees' retirement system, two thousand nine hundred dollars.....	\$ 2,900.00
From the highway fund:	
For salaries of others, six thousand eight hundred dollars	\$ 6,800.00

INCOME TAX DIVISION

From the general fund:

For salary of supervisor, six thousand dollars.....	\$ 6,000.00
For salaries, one hundred thirty thousand five hundred dollars	\$ 130,500.00
For capital, repairs and replacements, three thousand seven hundred fifty dollars.....	\$ 3,750.00
For operation, twenty-four thousand six hundred seventy-five dollars	\$ 24,675.00
For public employees' retirement system, four thousand six hundred fifty dollars.....	\$ 4,650.00

Seventy-five percent (75%) of so much as is required to carry out the provisions of the withholding tax law, including necessary refunds.

From the public school equalization fund:

For salaries, forty-five thousand five hundred dollars	\$ 45,500.00
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THIRTY-THIRD LEGISLATIVE ASSEMBLY

For public employees' retirement system, one thousand five hundred fifty dollars.....\$	1,550.00
For capital, repairs and replacements, one thousand two hundred fifty dollars.....\$	1,250.00
For operation, eight thousand two hundred twenty-five dollars	\$ 8,225.00
Twenty-five percent (25%) of so much as is required to carry out the provisions of the withholding tax law, including necessary refunds.	

CORPORATION LICENSE TAX DIVISION

From the general fund:	
For salary of auditor, four thousand eight hundred dollars	\$ 4,800.00
For salaries, thirteen thousand nine hundred fifty dollars	\$ 13,950.00
For capital, repairs and replacements, four hundred fifty dollars	\$ 450.00
For operation, five thousand one hundred eight dollars	\$ 5,108.00
For public employees' retirement system, six hundred thirty eight dollars.....\$	638.00
From the public school equalization fund:	
For salaries, six thousand two hundred fifty dollars \$	6,250.00
For capital, repairs and replacements, one hundred fifty dollars	\$ 150.00
For operation, one thousand seven hundred two dollars	\$ 1,702.00
For public employees' retirement system, two hundred twelve dollars.....\$	212.00

LICENSING DIVISION

From the general fund:	
For salary of supervisor, four thousand eight hundred dollars	\$ 4,800.00

SESSION LAWS

For capital, repairs and replacements, three hundred dollars	\$ 300.00
For salaries, twelve thousand eight hundred forty dollars	\$ 12,840.00
For operation, sixteen thousand three hundred thirty-five dollars	\$ 16,335.00
For public employees' retirement system, six hundred dollars	\$ 600.00

GASOLINE TAX REFUND AND TAX DIVISION

From the highway fund:

For salary of chief clerk, four thousand eight hundred dollars	\$ 4,800.00
For public employees' retirement system, one thousand five hundred dollars.....	\$ 1,500.00
For salaries, thirty-nine thousand five hundred dollars	\$ 39,500.00
For capital, repairs and replacements, one thousand dollars	\$ 1,000.00
For operation, sixteen thousand two hundred seventy-five dollars	\$ 16,275.00

From the gasoline drawback fund:

For gasoline drawbacks, including refunds to the federal government, as much as may be necessary to comply with the provisions of the law.

DEPARTMENT OF AGRICULTURE ADMINISTRATION

From the general fund:

For salaries, twenty thousand dollars.....	\$ 20,000.00
For capital, repairs and replacements, three hundred fifty dollars	\$ 350.00
For operation, six thousand dollars.....	\$ 6,000.00
For public employees' retirement system, five thousand two hundred dollars.....	\$ 5,200.00
For compiling and publishing agricultural statistics, ten thousand dollars.....	\$ 10,000.00

THIRTY-THIRD LEGISLATIVE ASSEMBLY

DAIRY DIVISION

From the general fund:

For salaries, twenty-five thousand seven hundred dollars	\$ 25,700.00
For capital, repairs and replacements, five hundred dollars	\$ 500.00
For operation, ten thousand six hundred seventy dollars	\$ 10,670.00

RUST CONTROL DIVISION

From the general fund:

For salaries and expenses, four thousand dollars.....	\$ 4,000.00
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GRAIN STANDARDS AND MARKETING DIVISION

From the general fund:

For salaries, seventy-two thousand five hundred forty dollars	\$ 72,540.00
For capital, repairs and replacements, five thousand dollars	\$ 5,000.00
For operation, twelve thousand dollars.....	\$ 12,000.00

From the general fund:

In addition to the other sums appropriated for expenses of the grain standards and marketing division, there is hereby appropriated from the general fund the sum of twelve thousand dollars.....\$ 12,000.00 or so much thereof as may be necessary to meet emergencies provided, however, that if part or all of this emergency appropriation is expended the aggregate appropriation for said division for the fiscal year is not to exceed the deposits made to the general fund by said division.

WEIGHTS AND MEASURES DIVISION

From the general fund:

For salaries, eighteen thousand dollars.....	\$ 18,000.00
For capital, repairs and replacements, two thousand dollars	\$ 2,000.00

SESSION LAWS

For operation, seventeen thousand five hundred dollars	\$ 17,500.00
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For expenses for inspection of petroleum measuring devices, one thousand five hundred dollars.....	\$ 1,500.00
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HORTICULTURE DIVISION

From the general fund:

For salaries, seventy-two thousand two hundred ten dollars	\$ 72,210.00
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For capital, repairs and replacements, two hundred dollars	\$ 200.00
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For operation, twenty-one thousand seven hundred sixty-five dollars	\$ 21,765.00
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From the highway fund:

For operation, six thousand three hundred dollars....	\$ 6,300.00
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From the general fund:

For salaries and expenses, three thousand nine hundred dollars	\$ 3,900.00
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COMMERCIAL FERTILIZER DIVISION

From the general fund:

For salaries and expenses, eight hundred thirty-five dollars	\$ 835.00
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COMMERCIAL FEED DIVISION

From the commercial feed fund:

As much as may be necessary to carry out the provisions of the law under which this fund was established.

STATE FORESTER ADMINISTRATION

From the general fund:

For salaries, twenty-eight thousand nine hundred dollars	\$ 28,900.00
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For capital, repairs and replacements, one thousand five hundred seventy-five dollars.....	\$ 1,575.00
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For operation, three thousand one hundred seventy dollars	\$ 3,170.00
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THIRTY-THIRD LEGISLATIVE ASSEMBLY

For public employees' retirement system, two thousand nine hundred dollars.....\$ 2,900.00

PROTECTION OF STATE LANDS

From the general fund:

For salaries and expenses, thirty thousand eight hundred forty-seven dollars.....\$ 30,847.00

TIMBER SALES

From the general fund:

For salaries and expenses, sixty-two thousand dollars \$ 62,000.00

In addition to the above appropriations there is hereby appropriated all money received from the federal government or trust to be used for the purposes for which they were provided.

ATHLETIC COMMISSION

From the veterans' memorial fund:

For salaries and expenses, as much as may be necessary to pay all lawful claims, as provided by law.

BOARD OF FORESTRY

From the general fund:

For salaries and expenses, one thousand five hundred dollars\$ 1,500.00

RURAL FIRE FIGHTERS SERVICE

From the general fund:

For salaries and expenses, two thousand three hundred sixty-two dollars.....\$ 2,362.00

From the Montana green fund:

As much as may be necessary to pay all lawful claims as provided by law.

DEPARTMENT OF LABOR AND INDUSTRY

From the general fund:

For salary of commissioner, five thousand dollars....\$ 5,000.00

For salaries of others, seven thousand two hundred dollars\$ 7,200.00

SESSION LAWS

For capital, repairs and replacements, one hundred fifty-five dollars	\$	155.00
For operation, three thousand five hundred dollars \$		3,500.00
For public employees' retirement system, four hundred fifteen dollars.....	\$	415.00

ADJUSTED COMPENSATION DIVISION

From the veterans' compensation fund:

As much as may be necessary to pay all lawful claims, as provided by law.

CIVIL DEFENSE AGENCY

From the general fund:

For salaries and expenses, ten thousand five hundred dollars	\$	10,500.00
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From the civil defense fund:

As much as may be necessary to pay all lawful claims, as provided by law.

CO-ORDINATOR OF INDIAN AFFAIRS

From the general fund:

For salary of co-ordinator, five hundred dollars.....	\$	500.00
For salary of stenographer, two thousand four hundred dollars	\$	2,400.00
For administrative expenses, one thousand dollars....	\$	1,000.00
For travel, two thousand dollars.....	\$	2,000.00

BOARD OF ENTOMOLOGY

From the general fund:

For salaries and expenses, three hundred fifty dollars	\$	350.00
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DISTRICT JUDGES

From the general fund:

For salaries, one hundred eighty thousand dollars....	\$	180,000.00
For travel, fifteen thousand dollars.....	\$	15,000.00

THIRTY-THIRD LEGISLATIVE ASSEMBLY

For public employees' retirement system, four thousand one hundred dollars.....\$ 4,100.00

COUNTY ATTORNEYS

From the general fund:

For salaries, seventy-five thousand dollars.....\$ 75,000.00

For public employees' retirement system, two thousand five hundred fifty dollars.....\$ 2,550.00

TRANSPORTATION OF PRISONERS

From the general fund:

For the purpose of paying the expenses of transporting prisoners, eighteen thousand dollars.....\$ 18,000.00

PUBLIC EMPLOYEES' RETIREMENT SYSTEM

From the public employees' retirement system fund:

As much as may be necessary to pay all lawful claims, as provided by law.

STATE AERONAUTICS COMMISSION

From the state aviation fund:

For salaries and expenses, including salaries, so much thereof as may be necessary to pay all lawful claims as provided by law.

FIRE INSURANCE

From the general fund:

As much as may be necessary for premiums on insurance on institutions or departments applicable thereto, one hundred twenty-nine thousand dollars.....\$ 129,000.00

From the millage fund:

As much as may be necessary for insurance on buildings or institutions for the greater university of Montana, one hundred sixty-one thousand dollars.....\$ 161,000.00

From the highway fund:

For premiums on insurance for the highway department, twenty-seven thousand five hundred dollars.....\$ 27,500.00

From the motor recording fund:

SESSION LAWS

For premiums on insurance for the motor vehicle department, eight hundred dollars.....\$	800.00
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REGULATORY BOARDS

All regulatory boards for which the law provides for a collection of fees and such fees are deposited with the state treasurer, as trust funds, are hereby appropriated for the use of the said boards, a sum equal to the amount of their collections, except wherein the law provides for deduction.

STATE LIQUOR CONTROL BOARD

The state liquor control board is hereby authorized to pay all lawful claims from the monies received from the sale of liquor in the administration of the liquor control act as provided in Sections 4-228 and 4-229, Revised Codes of Montana, 1947.

BEER DIVISION

From the beer act fund:

There is hereby appropriated as much as may be necessary not exceeding ten per cent (10%) of all revenue received, as provided in Section 3-347, Revised Codes of Montana, 1947.

BOARD OF EDUCATION

From the general fund:

For expenses, four thousand three hundred dollars....\$	4,300.00
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From the public school equalization fund:

For salaries, six thousand dollars.....\$	6,000.00
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From the millage fund:

For salaries and expenses, six thousand dollars.....\$	6,000.00
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WESTERN REGIONAL EDUCATION COMPACT

From the general fund:

For expenses, seven thousand dollars.....\$	7,000.00
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For student exchange fees, ten thousand dollars.....\$	10,000.00
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VOCATIONAL EDUCATION

From the general fund:

THIRTY-THIRD LEGISLATIVE ASSEMBLY

For salaries and expenses, forty-three thousand eight hundred fifty dollars\$ 43,850.00

From the state public school equalization fund:

For salaries and expenses, ten thousand dollars.....\$ 10,000.00

For reimbursement to local schools, twenty-five thousand dollars\$ 25,000.00

In addition to the foregoing amounts, all income from federal funds known as Vocational United States Aid fund, George Dean fund, or any other federal funds that may be available are hereby appropriated. No reimbursement shall be made to any of the units of the university of Montana from the above general fund appropriations.

VISUAL EDUCATION

From the public school equalization fund:

For salaries, fifteen thousand seven hundred dollars \$ 15,700.00

For capital, repairs and replacements, two hundred dollars\$ 200.00

For operation, five thousand eight hundred seventy-five dollars\$ 5,875.00

For public employees' retirement system, and teachers' retirement system, two hundred twenty-five dollars\$ 225.00

OIL AND GAS CONSERVATION COMMISSION

From the general fund:

There is hereby appropriated for the use of the oil and gas conservation commission, eleven thousand five hundred dollars\$ 11,500.00
plus all money that may be in the oil and gas conservation fund.

FISH AND GAME COMMISSION

From the fish and game fund:

As much as may be necessary to pay all lawful claims as provided by law.

In addition thereto, there is hereby appropriated all federal funds which may be received for the use of the fish and game commission.

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Section 4. Provided further, that all appropriations contained herein shall be used for the purposes designated and no other, and the definitions given in Section 1 of this act shall govern all appropriations.

Section 5. It is further provided that wherein departments or institutions have appropriations from sources other than the general fund or university millage fund, excepting trust funds wherein a specific law governs, the money from such other sources shall be used when available before using the appropriations from the general fund or university millage fund; provided, however, that such restrictions shall not apply to monies from special tax on livestock, or to special fees collected on livestock or from livestock owners as provided by law.

Section 6. The appropriations herein provided for shall be held valid notwithstanding the provisions of the budget act.

Approved March 11, 1953.

HOUSE BILL NO. 371

An Act Making Appropriations for the State Public School Equalization Fund and Providing for the Manner of Distribution Thereof for the Period Beginning July 1, 1953, and Ending June 30, 1955.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That there is hereby appropriated from the state treasury to the state public school equalization fund, to be distributed in accordance with the provisions of law, for the period beginning July 1, 1953, and ending June 30, 1954, the following sum, or so much thereof as may be necessary:

FROM THE GENERAL FUND

Two million nine hundred thousand dollars.....\$2,900,000.00

Section 2. That there is hereby appropriated from the state treasury to the state public school equalization fund, to be distributed in accordance with the provisions of law, for the period beginning July 1, 1954, and ending June 30, 1955, the following sum, or so much thereof as may be necessary:

FROM THE GENERAL FUND

Four million six hundred sixty-five thousand dollars, \$4,665,000.00

THIRTY-THIRD LEGISLATIVE ASSEMBLY

Section 3. No part of such funds shall be distributed prior to December 2, 1953.

Section 4. It is hereby provided that none of the funds allocated, or any other funds allocated to the state public school equalization fund, shall be paid out to the school districts of the State in excess of the foundation program needs, as established by Section 3, Chapter 199, Laws of 1949, as amended, or in excess of the State equalization percentage established under the provisions of Section 19, Chapter 199, Laws of 1949.

Section 5. The appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Approved March 9, 1953.

HOUSE BILL NO. 372

An Act Appropriating All Balances of Money Remaining in the Several Appropriations Made Under the Provisions of House Bill No. 259 of the Thirty-Second Legislative Assembly, from the Post War Planning and Construction Reserve Fund for the Following State Institutions: Montana State Orphans' Home, Twin Bridges; Montana State Prison, Deer Lodge; Montana State Training School, Boulder; State Capitol; and Declaring This Act to Be Valid Notwithstanding the Provisions of the Budget Act.

Be it enacted by the Legislative Assembly of the State of Montana:

WHEREAS, by House Bill No. 259 of the Thirty-second Legislative Assembly money was appropriated by the legislative assembly from the post war planning and construction reserve fund to defray or finance the cost of needed post war construction, improvement and development in and about the several state institutions herein mentioned for the period beginning July 1, 1951, and ending June 30, 1953; and

WHEREAS, because of the variety of said work and the time necessary for its performance all of said appropriations could not be expended within said two-year period, and it is, therefore, necessary that the balances remaining in said several appropriations be reappropriated and made available for the coming biennium in order to complete the work and buildings now under contract, or hereafter to be contracted for; NOW THEREFORE:

SESSION LAWS

Section 1. There are hereby appropriated, for the period beginning July 1, 1953, and ending June 30, 1955, the balances remaining on June 30, 1953, in the several appropriations made under the provisions of House Bill No. 259 of the Thirty-second Legislative Assembly, from the post war planning and construction reserve fund to the following state institutions, to wit: Montana State Orphans' Home, Twin Bridges; Montana State Prison, Deer Lodge; Montana State Training School, Boulder; State Capitol.

Section 2. Any unappropriated balances, other than those appropriated in Section 1, in the post war planning and construction reserve fund shall revert to the general fund on June 30, 1953.

Section 3. The appropriated balances hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act, and shall be used for the purposes provided in said House Bill No. 259 of the Thirty-second Legislative Assembly.

Section 4. It is not the intent of this act to increase or reduce any of the original appropriations made by said House Bill No. 259, but to enable the above institutions to use the remaining balances in the original appropriations provided in said act.

Approved March 9, 1953.

HOUSE BILL NO. 373

An Act Appropriating the Balance of Money Remaining in the Appropriation Made Under the Provisions of House Bill No. 463 of the Thirty-second Legislative Assembly for the State Tuberculosis Sanitarium; and Declaring This Act to Be Valid Notwithstanding the Provisions of the Budget Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There is hereby appropriated, for the period beginning July 1, 1953, and ending June 30, 1955, the balance remaining on June 30, 1953, in the appropriation made under the provisions of House Bill No. 463 of the Thirty-second Legislative Assembly, from the general fund, to the State Tuberculosis Sanitarium for the construction of two new doctors' homes.

Section 2. The appropriated balance hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act, and shall be used for the purposes provided in said House Bill No. 463 of the Thirty-second Legislative Assembly.

THIRTY-THIRD LEGISLATIVE ASSEMBLY

Section 3. It is not the intent of this act to increase or reduce any of the original appropriations made by said House Bill No. 463, but to enable the above institution to use the remaining balance in the original appropriation provided in said act.

Approved March 9, 1953.

HOUSE JOINT MEMORIAL NO. 2

A Joint Memorial of the Senate and House of Representatives of the State of Montana to the Congress of the United States; to the Honorable James E. Murray and the Honorable Mike Mansfield, United States Senators from Montana; to the Honorable Wesley A. D'Ewart and the Honorable Lee Metcalf, Representatives from Montana; to the Honorable Secretary of Agriculture of the United States; and to the United States Tariff Commission, Relating to Increasing the Tariff Duties on Imports of Mustard Seed and for Appropriate Action Safeguarding the Production of Mustard Seed in the United States.

To the Honorable Senate and House of Representatives of the United State in Congress Assembled:

WHEREAS, the present price of mustard and the marketing conditions thereof have reached an all time low resulting in a present threat of a total loss of the mustard growing business in the United States; and

WHEREAS, it has become vitally necessary to the producers of mustard seed that the duty on mustard imports from foreign countries be increased from eighty-seven and one half cents (87½¢) per cwt. to four dollars (\$4.00) per cwt. on yellow mustard and three dollars (\$3.00) per cwt. on brown and oriental mustard, thereby protecting the domestic mustard market on a basis equal to the protection now afforded wheat farmers; and

WHEREAS, immediate action is necessary in order to prevent the complete collapse of the mustard seed production business in the United States;

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives of the Thirty-third Legislative Assembly of the State of Montana, the Senate concurring, that we respectfully urge the Senators and Representatives from Montana and the Congress of the United States, the Honorable Secretary of Agriculture and the Tariff Commission to take appropriate action under the Escape

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Clause contained in Section 7 of the Trade Agreement Act of 1951, to increase the tariff duties on mustard imports from foreign countries, increasing the duty from eighty-seven and one half cents (87½¢) per cwt. to four dollars (\$4.00) per cwt. on yellow mustard, and three dollars (\$3.00) per cwt. on brown and oriental mustard; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Chief Clerk of the House of Representatives of the State of Montana to the Honorable James E. Murray and the Honorable Mike Mansfield, United States Senators from Montana, the Honorable Wesley A. D'Ewart and the Honorable Lee Metcalf, Representatives from Montana, the Honorable Secretary of Agriculture of the United States, and the United States Tariff Commission.

Approved February 6, 1953.

HOUSE JOINT MEMORIAL NO. 3

A Joint Memorial to the Congress of the United States Requesting the Continuation of Public Service Commodities and for Service for Rural Areas, and Requesting Allocation of Funds for the Development of Telephone in Rural Areas in the State of Montana.

WHEREAS, the average number of the farms that are electrified in the State of Montana is below the national average, and

WHEREAS, a very small percentage of the farms in the State of Montana has telephone service;

NOW, THEREFORE, BE IT RESOLVED, that the Thirty-third Legislative Assembly of the State of Montana of 1953, now in session, the Senate and House of Representatives concurring, do most earnestly request the Congress of the United States to increase expenditure of funds to develop, construct, and maintain rural electric and telephone services;

BE IT FURTHER RESOLVED, that copies of this memorial be transmitted by the secretary of the State of Montana to each of the senators and members of the House of Representatives from Montana in the United States Congress.

Approved February 6, 1953.

THIRTY-THIRD LEGISLATIVE ASSEMBLY

HOUSE JOINT MEMORIAL NO. 5

A Joint Memorial of the Senate and the House of Representatives of the State of Montana to the Congress of the United States, United States Senators, James E. Murray and Mike Mansfield, and Representatives, Wesley A. D'Ewart, and Lee Metcalf, All of Washington, D. C., Requesting the Enactment of Legislation Providing for the Donation of Lands Formerly Within the Fort Missoula Military Reservation to Missoula County, Montana.

WHEREAS, the United States of America formerly established a military reservation in Missoula County, Montana, which was legally denominated Fort Missoula, and

WHEREAS, subsequent to World War II, Fort Missoula was decommissioned as a fort and substantial portions of Fort Missoula were declared to be surplus, and

WHEREAS, the United States is now making no use of large portions of the area formerly comprising Fort Missoula, and

WHEREAS, the citizens of Missoula, Montana, through the Missoula Chamber of Commerce, have heretofore donated substantial areas of land to the United States for Fort Missoula, and

WHEREAS, the County of Missoula is at the present time leasing a portion of the area, but under a lease is unable to adequately preserve and protect the buildings and is unable, under the existing laws of the State of Montana, to purchase the portions of Fort Missoula not now used by the United States and not held for contemplated use by the United States, and

WHEREAS, the said lands and buildings would be of great value to the public of Montana,

NOW THEREFORE, BE IT RESOLVED by the Thirty-third Legislative Assembly of the State of Montana, the Senate and the House of Representatives concurring, that we respectfully urge the enactment of legislation by the Congress of the United States providing for the donation of those portions of Fort Missoula which are not being used by the United States for military service to the County of Missoula.

BE IT FURTHER RESOLVED, that copies of this Memorial be submitted by the Secretary of State of the State of Montana to the Senate and the House of Representatives of the United States

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Congress, to Senators, James E. Murray and Mike Mansfield and Representatives, Wesley A. D'Ewart and Lee Metcalf.

Approved February 25, 1953.

HOUSE JOINT MEMORIAL NO. 6

A Memorial to the Congress of the United States of America, to the Honorable United States Senators James E. Murray and Mike Mansfield and to the Honorable Representatives in Congress Wesley A. D'Ewart and Lee Metcalf, Requesting That the Eighty-third Congress Give Favorable Consideration to Senate Bill No. 134, and House Bill No. 100 Introduced in the Eighty-third Congress, and Senate Bill No. 2952 of the Eighty-second Congress, Providing for the Sale to the Original Owners Certain Mineral Interests Acquired by the Federal Government by Title III of the Bankhead-Jones Farm Tenant Act and by Condemnation Proceedings Under the Fort Peck Dam Project.

To the Honorable Senate and House of Representatives of the United States in Congress Assembled :

WHEREAS, there has been introduced in the Eighty-third Congress, a Senate Bill No. 134, and a House Bill No. 100, relating to Title III lands under the Bankhead-Jones Farm Tenant Act and authorizing the sale to the original owners of the mineral interests in certain lands in Montana acquired by the United States under said act; and Senate Bill No. 2952 introduced in the Eighty-second Congress, relating to lands acquired by the United States Government, by condemnation proceedings, for the Fort Peck Dam Project, provides for the sale of mineral interests to the former owners, and

WHEREAS, the above lands were sold to the United States under circumstances and conditions which were beyond the control of the original owners thereof,

NOW THEREFORE, BE IT RESOLVED that the Legislative Assembly of the State of Montana does most respectfully urge the Eighty-third Congress of the United States to give favorable consideration, with respect to lands currently held by the United States Government, to Senate Bill No. 134, House Bill No. 100, introduced in the Eighty-third Congress, and to Senate Bill No. 2952, introduced in the Eighty-second Congress, at their earliest possible convenience.

THIRTY-THIRD LEGISLATIVE ASSEMBLY

BE IT FURTHER RESOLVED, that duly attested copies of this memorial be transmitted by the Chief Clerk of the House of Representatives of the State of Montana to both Houses of Congress, to the Honorable James E. Murray and the Honorable Mike Mansfield, United States Senators for the State of Montana, and the Honorable Wesley A. D'Ewart and the Honorable Lee Metcalf, United States Representatives in Congress for the State of Montana.

Approved March 11, 1953.

HOUSE JOINT RESOLUTION NO. 1

A Joint Resolution Relative to Designation of a Certain Highway As a Blue Star Memorial Highway.

Be It Resolved by the House of Representatives of the Thirty-third Legislative Assembly of the State of Montana, the Senate Concurring Therein:

WHEREAS, there is presently under way a movement, sponsored by Living Memorials of the National Council of State Garden Clubs, Incorporated, to have certain highways officially designated as blue star memorial routes in commemoration of those who served in World War II; and

WHEREAS, a majority of the states have designated certain routes as blue star memorial routes and the Montana Legislature has by previous resolution designated most of the highways on primary systems as blue star memorial routes; and

WHEREAS, the Montana Federation of Garden Clubs and affiliated clubs, through their officers and members, are urging that all primary routes be so designated, so that they may proceed with their program of planting and landscaping as living memorials, in cooperation with the state highway department; and

WHEREAS, the blue star system is not conceived as a continuous planting, leaving it to each state to establish its own preferred type of living memorial, by utilizing native materials in the way best suited to its own environment; and

WHEREAS, it is understood that the time is limited in which such designations may be made and accepted;

NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Thirty-third Legislative Assembly of the State

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of Montana, the Senate concurring, that highway routes as follows: Route Twenty-three (23) from the North Dakota line through Sidney to its junction with Route Thirteen (13) and thence south to Circle to its junction with Route Eighteen (18) and Route Eighteen (18) from the North Dakota line going through Glendive, Circle, Jordan and Winnett to its junction with Route Eighty-seven (87) at Grass Range, thence Route Eighty-seven (87) on west to Great Falls, thence following Route Twenty (20) on west to Missoula, all of which route being what is generally known as the "Central Montana Highway," be selected and designated as a blue star memorial route.

Approved February 6, 1953.

HOUSE JOINT RESOLUTION NO. 3

A Joint Resolution to the Governor of the State of Montana, Requesting the Appointment of a Committee to Study the Methods and Facilities Provided for the Education and Training of Nurses in the State of Montana; and to Report to the Governor, the State Board of Education and the Thirty-fourth Legislative Assembly Its Findings and Recommendations of Legislation and Administrative Action Deemed Necessary for the Improvement of Such Training and Education.

WHEREAS, there is a serious shortage of nurses in the State of Montana as well as throughout the United States, and

WHEREAS, it appears that a curriculum of nursing was included as a department in the division of science of Montana State College in the year 1938, but the only action by the State Board of Education pursuant thereto has been to approve agreements with the various hospitals in the state authorizing them to operate as schools of nursing in conjunction with Montana State College, and

WHEREAS, it appears that there is need for a survey of the facilities provided in the state for the training and education of nurses and for a study of means to provide more adequate training and education of student nurses and thus to encourage the entrance of young people into the nursing profession,

NOW, THEREFORE BE IT RESOLVED by the House of Representatives of the State of Montana, the Senate concurring, that the Governor of the State of Montana is hereby requested and autho-

THIRTY-THIRD LEGISLATIVE ASSEMBLY

rized to appoint a committee to survey the methods and facilities now provided in this state for the training and education of nurses, and to study means by which such training and education may be improved and made available to greater numbers of Montana students.

The Governor is further requested to direct such committee to report its findings and recommendations for remedial legislation and administrative action to the Governor and State Board of Education not later than October 1, 1954, for the consideration of the Governor, the State Board of Education and the Thirty-fourth Legislative Assembly.

Approved March 2, 1953.

HOUSE JOINT RESOLUTION NO. 5

A Joint Resolution of the House of Representatives of the State of Montana, the Senate Concurring, Recommending and Encouraging Continued and Extended Study by the Montana State Board of Health of the Problems Occasioned by the Narcotic-Like Substances, and Particularly, Further Study on the Problems of Alcoholism.

WHEREAS, the problems occasioned by the misuse of the narcotic-like substances are recognized as of extreme importance, personally, socially, industrially, professionally and economically; and

WHEREAS, the use and misuse of these substances have many implications in the health and general welfare of the people of Montana; and

WHEREAS, a knowledge of the nature of these substances, the causes of misuse, and facts about the treatment and rehabilitation of the victims of misuse, are essential to the health and well-being of the people of the state; and

WHEREAS, preliminary study in Montana has shown that the problem of greatest import in the field of the narcotic substances in this state, is the problem of alcoholism; and

WHEREAS, Section 69-105, Revised Codes of Montana, 1947, provides that the State Board of Health make investigations and inquiries regarding the causes of disease, and the effects of conditions, ingesta, habits and circumstances of the people, and make

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reports of such investigations, with such suggestions and recommendations as is deemed proper; and

WHEREAS, Chapter 104, Laws of Montana, Thirty-first Session, 1949, provides that the State Board of Health furnish consultant services in narcotic education to the general public and to the Montana educational institutions; and

WHEREAS, with these consultant services, attempts have been made to study alcoholism in Montana, and the problems incident to treatment, rehabilitation and education in this field;

NOW THEREFORE, BE IT RESOLVED, that the House of Representatives of the Thirty-third Legislative Assembly of the State of Montana, the Senate concurring, encourage the State Board of Health to continue the study of alcoholism in Montana, and its concomitant problems, supplementing its own efforts with the aid and advice of any existing citizens' advisory committee, or other committees or groups, composed of representatives of all agencies and persons interested in all aspects of the problems; and

BE IT FURTHER RESOLVED, that the Montana State Board of Health report its findings and recommendations to the Thirty-fourth Legislative Assembly of the State of Montana.

Approved March 3, 1953.

SENATE JOINT MEMORIAL NO. 1

A Joint Memorial of the Senate and House of Representatives of the State of Montana, to President-Elect Dwight D. Eisenhower, Secretary of Interior Designate, Douglas McKay, and to the Honorable James E. Murray and the Honorable Mike Mansfield, Senators From Montana, and to the Honorable Wesley A. D'Ewart and the Honorable Lee Metcalf, Representatives in Congress From Montana, Endorsing Stephen C. DeMers for the Office of Commissioner of Indian Affairs and Recommending His Appointment to That Office.

WHEREAS, never in the history in the office of Indian Affairs for the United States has a person of Indian extraction served as Commissioner; and

WHEREAS, Montana's Indian population is entitled to the full respect and consideration from government, both state and national,

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and to the recognition of individuals comprising that population; and

WHEREAS, both major political parties, in their state and national platforms, have assumed responsibility to the Indian population in recognizing that one of their number should serve as Commissioner of Indian Affairs; and

WHEREAS, Stephen C. DeMers of Polson, Montana, a Flathead Indian, has been endorsed unanimously by the Inter Tribal Policy Board of Montana, the only state-wide inter tribal organization in the United States, as its choice for said office; and

WHEREAS, said Stephen C. DeMers is widely experienced in Indian matters, both local and national; during World War II he represented Montana Indians in important matters in Washington, D. C. in their relations with the federal government; is a member of the Columbia River Development Committee; has been a member of the Flathead Indian Tribal Council and is still used as an official advisor to them in their problems; and of the six-member board of Indians to advise President-elect Eisenhower on Indian matters in the United States.

NOW, THEREFORE, BE IT RESOLVED, that the Thirty-Third Legislative Assembly of Montana of 1953, now in session, the Senate and House of Representatives concurring, do highly endorse Stephen C. DeMers for the office of Commissioner of Indian Affairs for the United States, and do recommend his appointment to that office.

BE IT FURTHER RESOLVED, that copies of this Memorial be transmitted by the Secretary of the State of Montana to President-elect Dwight D. Eisenhower, Secretary of Interior Designate Douglas McKay, to the Honorable James E. Murray and the Honorable Mike Mansfield, Senators from Montana, and the Honorable Wesley A. D'Ewart and the Honorable Lee Metcalf, Congressmen from Montana.

Approved January 19, 1953.

SENATE JOINT MEMORIAL NO. 2

A Joint Memorial of the Senate and House of Representatives of the State of Montana to the President and the Congress of the United States, to James E. Murray and Mike Mansfield, Senators From the State of Montana, and to Wesley A. D'Ewart and Lee

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Metcalf, Representatives in Congress From the State of Montana, Urging That in the Planning and Construction of the Proposed Libby Dam in Lincoln County the Economy of the Area and the Livelihood of the People be Safeguarded Through Selection of the Site for the Axis of Such Dam and by Appropriations Required to Provide Services Equal to Those Now Existing; and Requesting Similar Consideration for Montana People in the Case of Other Federal Projects.

WHEREAS, the water resources of the State of Montana are now of great importance in the further development of multiple-purpose federal projects of the Columbia and Missouri River Basins; and

WHEREAS, it appears that in the planning and construction of some dams and water reservoir projects for the impoundment of Montana water, benefits to downstream areas are being planned or provided without an adequate balancing consideration of detrimental effects upon the Montana economy; and

WHEREAS, this lack of consideration is most apparent in the planning by the Corps of Engineers, Department of the Army, for the Libby Dam project on the Kootenai River in Lincoln County, where the site proposed at public hearings and approved by Congress has been abandoned in favor of a site farther downstream which will much more seriously affect the economy of Lincoln County and northwest Montana; and

WHEREAS, the selection of the now favored site, only a few miles upstream from the city of Libby, by the Corps of Engineers would require excessive and probably uneconomic expenditures in order to replace existing transportation facilities and to prevent serious disruption of the timber and mining industries of Lincoln County with ultimate loss of steady and gainful employment affecting approximately half of Lincoln County's families; and

WHEREAS, the location of the axis of the Libby Dam upstream from the confluence of the Fisher and Kootenai Rivers would injure the economy of Lincoln County and northwest Montana to a much lesser degree, which injury could be alleviated by federal expenditures far less in amount than those required in case of location at any site downstream from the mouth of the Fisher River; and

WHEREAS, location of the dam at this upstream site would greatly reduce total costs and provide vital protection for the

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economy of Montana with only minor reduction in water storage or the amount of electric energy generated at the dam, and would not substantially adversely affect the downstream areas of the Columbia River, for the benefit of which the Libby project is primarily intended;

NOW, THEREFORE, BE IT RESOLVED, that the Thirty-third Legislative Assembly of Montana of 1953 now in session, the Senate and House of Representatives concurring, hereby most urgently request that the Congress of the United States, in making any appropriation of funds for the planning and construction of the Libby Dam, take such action as will insure that the axis of said dam will be placed upstream from the confluence of the Fisher and the Kootenai Rivers; and

BE IT FURTHER RESOLVED, That this assembly request the Congress, in making appropriations for the construction of the Libby project, to define the compensations that shall be received from the Government of the United States by the County of Lincoln and by affected cities and school districts in said county for extraordinary expenses resulting from expanded services required in the fields of school and hospital facilities, health and sanitation, and police protection incidental to the construction of said project; and to provide all necessary funds and take all needed action to insure the construction of all transportation and other facilities needed to provide opportunity equal to that now existing of access to mines, to forests in federal, state, and private ownership, and to manufacturing and refining plants, to the end that the present steady and continuous employment of Lincoln County people depending upon forests and mines for their livelihood will not be adversely affected; and

BE IT FURTHER RESOLVED, That the Congress be requested by this assembly to provide equal protection for the economy of Montana and the welfare of its citizens when making appropriations for similar federal construction projects in Montana which have been or may be authorized; and

BE IT FURTHER RESOLVED, That the Secretary of State of the State of Montana be hereby directed to transmit a certified copy of this Memorial to the President and to the Congress of the United States, and to James E. Murray and Mike Mansfield, senators from the State of Montana, and Wesley A. D'Ewart and Lee Metcalf, representatives in Congress from the State of Montana.

Approved February 13, 1953.

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SENATE JOINT MEMORIAL NO. 3

A Joint Memorial of the Senate and House of Representatives of the State of Montana, to President Dwight D. Eisenhower, Secretary of Commerce, Sinclair Weeks, and to the Honorable James E. Murray and the Honorable Mike Mansfield, Senators From Montana; and to the Honorable Wesley A. D'Ewart and the Honorable Lee Metcalf, Representatives in Congress From Montana, Endorsing Lelland M. Cowan for the Office of Commissioner of Interstate Commerce and Recommending His Appointment to That Office.

WHEREAS, a vacancy now exists in the Interstate Commerce Commission of the United States and such vacancy has been or is about to be created by the resignation and retirement of Commissioner Wm. E. Lee;

WHEREAS, notwithstanding the many miles of roads and railroads in Montana over which the Interstate Commerce Commission has control, no Interstate Commerce Commissioner has ever been a resident of this state and there is not now, upon said Commission, any commissioner who is a resident of the Mountain Pacific Territory;

WHEREAS, the above-mentioned Lelland M. Cowan has a history of more than seventeen (17) years of service in an administrative capacity with the Interstate Commerce Commission, serving as an examiner, an agent and finally as a District Supervisor in the Field Service, Bureau of Motor Carriers, the position he now holds; and

WHEREAS, the above-mentioned Lelland M. Cowan is a resident of the State of Montana and of the Mountain Pacific Territory; he is familiar with their problems and is a conscientious, able, impartial and experienced individual, highly capable of filling the vacancy above mentioned;

NOW, THEREFORE, BE IT RESOLVED, that the Thirty-third Legislative Assembly of Montana in this year 1953, now in session, the Senate and House of Representatives concurring, do highly endorse Lelland M. Cowan for the office of Commissioner upon the Interstate Commerce Commission of the United States, and do recommend his appointment to that office;

BE IT FURTHER RESOLVED, that copies of this Memorial be transmitted by the Secretary of the State of Montana to Presi-

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dent Dwight D. Eisenhower; Secretary of Commerce, Sinclair Weeks; and to the Honorable James E. Murray and the Honorable Mike Mansfield, Senators from Montana; and to the Honorable Wesley A. D'Ewart and the Honorable Lee Metcalf, Representatives in Congress from Montana.

Approved February 16, 1953.

SENATE JOINT MEMORIAL NO. 4

A Memorial to the Congress of the United States and to Dwight D. Eisenhower, President of the United States; Honorable James E. Murray and the Honorable Mike Mansfield United States Senators for Montana; the Honorable Wesley A. D'Ewart and the Honorable Lee Metcalf, Congressmen for Montana; the Honorable Douglas McKay, Secretary of the Interior, Requesting the Introduction and Enactment Into Law of the Necessary and Proper Legislation Authorizing That Sufficient Appropriations be Provided the Bureau of Reclamation for the Compensation of the Crow Indians for the Dam Site and Storage Area, and the Immediate Beginning of Construction of Yellowtail Dam Located in Big Horn County in Southern Montana.

WHEREAS, Yellowtail dam site is located on the Big Horn river in Big Horn County in southeastern Montana, and the Yellowtail dam will be constructed across the Big Horn River about three-fourths of a mile above the mouth of Big Horn canyon about thirty-five miles southwest of Hardin, Montana, and forty-four miles southeast of Billings, Montana, and

WHEREAS, the Bureau of Reclamation was authorized by Section 9 of the Flood Control Act of 1944, as an integral part of the Missouri River basin project to prepare preliminary surveys for the construction of Yellowtail dam, and

WHEREAS, the Bureau of Reclamation has completed preconstruction surveys and work necessary for full construction work, and said surveys—including those of the Bureau of Indian Affairs, the Public Power Commission, and other interested federal agencies are now in the hands, or are ready to be placed in the hands of the Secretary of the Interior, to be presented by him to the Congress and the President of the United States, and

WHEREAS, the Yellowtail power plant, as projected, will have an installed capacity of 200,000 kilowatts with an estimated an-

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nual firm energy capacity averaging 584,000,000 kilowatt hours. In addition to this firm energy, the Yellowtail power plant is expected to have an average annual non-firm output of 163,920,000 kilowatt hours, bringing the average total estimated production to approximately 748,000,000 kilowatt hours, and

WHEREAS, such power is urgently needed to supply existing and rapidly expanding power needs in southeastern Montana and northeastern Wyoming for irrigation pumping, rural electric co-operatives and other public bodies, and for commercial and industrial uses as well as for defense industry, and

WHEREAS, irrigation is one of the additional contributions Yellowtail dam will make to the economy of the area, and that of the nation as a whole. Approximately 45,000 acres of irrigable land will be placed under the ditch by waters made available by Yellowtail dam. In addition, there are a number of desirable pumping units along the Big Horn, Tongue, Powder and Yellowstone rivers that will be made feasible by low cost power derived from Yellowtail Dam, which will serve to irrigate some 180,000 additional acres, or an approximate total of 225,000 acres of fertile land will be brought into production of food essential to our nation's on-coming wartime needs, and

WHEREAS, Montana has an immense and mostly undeveloped mineral wealth that should be contributing to our nation's defense program. (Herbert Hoover has stated that Montana possesses a greater mineral potential than the U.S.S.R.). The time may come, before this emergency shall pass, when Montana's minerals may be desperately needed. The low cost power, that Yellowtail dam will provide, will be a tremendous asset in bringing these minerals to a usable stage, and

WHEREAS, Yellowtail dam, in addition to providing hydro-electric power and irrigation, will also bring a vast contribution to flood control, silt and soil control, conservation of fish and wild life, recreational development, and other related and beneficial uses too numerous to mention for the benefit of all mankind, and

WHEREAS, Yellowtail dam will be an arch-type, concrete structure, towering about 500 feet above the river bed, with a crest of 1,480 feet, and a storage capacity of some 1,366,000 acre feet, and will flood about 27 square miles of almost totally unusable land. The lake so created by Yellowtail dam will extend for 75 miles through tortuously winding, steeply walled canyons,

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flooding land that is of no economic value. Yellowtail dam will be exceeded in size only by Boulder, Shasta, Grand Coulee, and Hungry Horse in the order named, and will cost approximately \$100,000,000.00 which, by the sale of power, irrigation, and other benefits will be repaid to the federal treasury through a fifty year period, and

WHEREAS, the various governmental agencies together with the Crow Indian Council representative have made appraisals of the value of the lands required for dam and storage sites and a general coordination of the respective appraisals has been made, but no money has been appropriated for site acquisition.

NOW, THEREFORE, BE IT RESOLVED, by the Thirty-third Legislative Assembly of Montana of 1953, now in session, the Senate and House of Representatives concurring, that the Congress of the United States be respectfully urged and requested to make such funds immediately available that may be necessary to compensate the Crow Indians for the dam site and storage area and to start construction of Yellowtail dam in Big Horn County in southeastern Montana at once, and

BE IT FURTHER RESOLVED, that the Crow tribe, upon whose lands the site of Yellowtail dam is situated, be adequately and fairly compensated for the site at a price agreed upon by the Federal Power Commission, the Bureau of Indian Affairs, the Bureau of Reclamation, and the Crow tribe, and

BE IT FURTHER RESOLVED, that a copy of this Memorial be transmitted by the Secretary of the State of the State of Montana to the Honorable Richard M. Nixon, President of the Senate; the Honorable Joseph W. Martin, Jr., the Speaker of the House of Representatives; the Honorable Douglas McKay, Secretary of the Interior; each of the Senators and Representatives in the Congress of the United States from the states of Montana and Wyoming; the Commissioner of the Bureau of Reclamation; the Commissioner of the Bureau of Indian Affairs; the Governors of the states of Wyoming and North Dakota; and the presiding officers of both Houses of the Wyoming and North Dakota Legislatures.

Approved February 28, 1953.

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SENATE JOINT MEMORIAL NO. 5

A Joint Memorial of the Senate and House of Representatives of the State of Montana to the Honorable James E. Murray and the Honorable Mike Mansfield, United States Senators From Montana; to the Honorable Wesley A. D'Ewart and the Honorable Lee Metcalf, Congressmen From Montana, Memorializing the Congress of the United States to Act Favorably Upon a United States Senate Joint Resolution Relative to Making Treaties and Executive Agreements.

WHEREAS, the 83rd Congress of the United States has introduced a Resolution proposing an amendment to the Constitution of the United States relative to the making of treaties and executive agreements;

NOW, THEREFORE, BE IT RESOLVED, by the Thirty-third Legislative Assembly of Montana of 1953, now in session, the Senate and House of Representatives concurring do hereby most earnestly request the Congress of the United States to act favorably upon Senate Joint Resolution No. 1 to-wit:

“JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States relative to the making of treaties and executive agreements.

RESOLVED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several states:

ARTICLE

Section 1. A provision of a treaty which denies or abridges any right enumerated in this Constitution shall not be of any force or effect.

Section 2. No treaty shall authorize or permit any foreign power or any international organization to supervise, control, or adjudicate rights of citizens of the United States within the United States enumerated in this Constitution or any other matter essentially within the domestic jurisdiction of the United States.

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Section 3. A treaty shall become effective as internal law in the United States only through the enactment of appropriate legislation by the Congress.

Section 4. All executive or other agreements between the President and any international organization, foreign power, or official thereof shall be made only in the manner and to the extent to be prescribed by law. Such agreements shall be subject to the limitations imposed on treaties, or the making of treaties, by this article.

Section 5. The Congress shall have power to enforce this article by appropriate legislation.

Section 6. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several states within seven years from the date of its submission."

BE IT FURTHER RESOLVED, that copies of this memorial be transmitted by the Secretary of the State of Montana to the Senate and House of Representatives of the Congress of the United States.

Approved February 28, 1953.

SENATE JOINT MEMORIAL NO. 6

A Joint Memorial of the Senate and House of Representatives of the State of Montana to the Honorable James E. Murray and the Honorable Mike Mansfield, Senators From Montana, and to the Honorable Wesley A. D'Ewart and the Honorable Lee Metcalf, Representatives in Congress From Montana, Requesting Passage of Legislation and a Supplemental Appropriation to Provide Adequate Facilities and Operating Funds So That Veterans in Need of Treatment for Tuberculosis, Neuropsychiatric Conditions and Domiciliary Care Can Obtain Treatment in Veterans Administration Facilities in Montana.

WHEREAS, there were less than 20,000 veterans in the State of Montana following World War I, and the government provided at that time approximately 435 hospital beds for these veterans. Following World War II, with over 78,000 veterans in Montana, the government provided 365 hospital beds in Montana, and today, with the Korean conflict in existence, we anticipate

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at least an additional 10,000 to 15,000 veterans in Montana, or a total of approximately 88,000 veterans in this state, with still 365 hospital beds, of which no more than 250 can be utilized because of lack of personnel; and

WHEREAS, the government of the United States, by appropriate legislation, has acknowledged responsibility for the care of disabled veterans whether they be mental, tubercular, general medical or domiciliary type; and

WHEREAS, the Veterans Administration in the State of Montana has had to forego the treatment of eligible veterans, and the State of Montana taxpayers are being required to pay for the care and treatment of psychiatric cases in Warm Springs, tubercular cases in Galen, and domiciliary cases at Columbia Falls, Montana Soldiers' Home (Domiciliary home), when, in fact, Congress has passed laws and has taxed the people of the United States, and in particular, the people of Montana, for the care and treatment for which the State of Montana is now being forced to pay because of reduction in Veterans' Administration facilities and services in Montana.

WHEREAS, with more veterans in Montana than ever before, Montana naturally needs more hospital beds; however, Congress saw fit to reduce the appropriation to the Veterans Administration by \$40,000,000.00 on July 5, 1952. This tremendous reduction in appropriations has reduced the funds available in Montana by \$92,500.00 quarterly. This reduction has adversely affected the use of medical consultants, medical supplies, services, prosthetics, etc., (including beneficiary travel), medical fee-basis funds, medical examinations, and treatments, dental fee funds—examinations and treatments of local doctors. Both inpatient and outpatient services to Montana veterans have been radically curtailed. In Montana today, there are no Veterans' Administration facilities set up to care for veterans in need of treatment for tubercular, neuropsychiatric and those veterans in need of domiciliary care. Veterans' Administration medical personnel in Montana, inadequate for years, has been cut by twenty-five positions in the last quarter of 1952, therefore affecting number of admissions to VA hospitals in Montana. Medical outpatient service has been cut by one-third and dental outpatient service has been reduced by 80 per cent; leaving four-fifths of Montana's veterans without outpatient service, as provided by law; and

WHEREAS, the State of Montana is now being forced to spend many thousands of dollars for the care and treatment of

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these veterans at Montana institutions and hospitals due to the failure on the part of the Veterans' Administration to care for Montana veterans in Montana.

NOW, THEREFORE, BE IT RESOLVED by the Senate of the State of Montana, the House of Representatives concurring, that we do hereby petition the Congress of the United States of America for the passage of legislation and provision of a supplemental appropriation, which will provide adequate Veterans' Administration facilities in Montana;

BE IT FURTHER RESOLVED: That a copy of this Memorial be transmitted to the Secretary of the State of Montana, to the Senate and House of Representatives of the Congress of the United States and to the Honorable James E. Murray and the Honorable Mike Mansfield, Senators from Montana, and the Honorable Wesley A. D'Ewart and the Honorable Lee Metcalf, Congressmen from Montana, and that they be requested to use all honorable means within their power to bring about the enactment of necessary legislation.

Approved February 16, 1953.

SENATE JOINT MEMORIAL NO. 9

A Joint Memorial to President Dwight Eisenhower and the Congress of the United States of America, Senator James E. Murray and Senator Mike Mansfield, Congressman Wesley D'Ewart and Congressman Lee Metcalf and the Administrator of Veterans' Affairs.

THAT WHEREAS, the Federal Statute No. 475 of the Eighty-first Congress, Second Session, and approved April 20, 1950, will expire June 30, 1953; and

WHEREAS, there are over seventy-six thousand service men and former service men in Montana with a combined total of several million in the United States and its possessions, who need loans for the purchase or construction of homes for themselves and their families; and

WHEREAS, the Helena, Montana Veterans' District Loan Office is of vital importance in the expedient administration of the law, and the maintenance of efficiency and service to the Montana veterans; and

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WHEREAS, there are not adequate federal funds available for direct loans to veterans, and the money market does not absorb the low interest rate loans; and

WHEREAS, there is now a critical need for loans with over eight hundred pending applications for loans in Montana, and thousands withholding applications pending approval of extension and modification in the Act; and

WHEREAS, the record of repayment of the Montana loans is exceptionally good;

NOW, THEREFORE, BE IT RESOLVED, that the Thirty-third Legislative Assembly of the State of Montana of 1953, now in session, in the Senate and the House of Representatives concurring, do most earnestly request the Honorable Dwight Eisenhower, President, and the Congress of the United States of America and the Administrator of Veterans' Affairs to extend and amend the Statute No. 475 of the Eighty-first Congress, Second Session, which expires June 30, 1953, by providing for direct loans to veterans; and

BE IT FURTHER RESOLVED, that interest and service rates on guaranteed loans be modified to make such loans marketable on the money markets; and

BE IT FURTHER RESOLVED, that copies of this Memorial be transmitted by the Secretary of the State of Montana to the Honorable Dwight Eisenhower, President, and the Congress of the United States of America, Senator James E. Murray, Senator Mike Mansfield, Congressman Wesley D'Ewart, Congressman Lee Metcalf, and the Administrator of the Veterans' Affairs, Washington, D. C.

Approved March 3, 1953.

SENATE JOINT MEMORIAL NC. 10

A Joint Memorial of the Senate and House of Representatives of the State of Montana to the Honorable James E. Murray and the Honorable Mike Mansfield, United States Senators From Montana: to the Honorable Wesley A. D'Ewart and the Honorable Lee Metcalf, Congressmen From Montana, Memorializing the Congress of the United States to Initiate a Program of Recognition and Appropriation of Money to Control a Forest Insect Epidemic and to Salvage Insect Killed Timber in Montana.

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WHEREAS, in and adjacent to the Kootenai, Flathead, Cabinet and Lolo National Forests in western Montana a total of three hundred twenty-five million (325,000,000) board feet of Engelmann spruce timber has been infested and killed by a violent outbreak of the Engelmann spruce bark beetle during the summer of 1952; and

WHEREAS, total spruce stands of four billion (4,000,000,000) board feet and having a stumpage value of thirty million dollars (\$30,000,000.00) and whose manufacture would create labor and lumber values amounting to over three hundred million dollars (\$300,000,000.00) on these four national forests and adjacent lands in other ownerships are immediately threatened by this insect outbreak; and

WHEREAS, in addition there are three billion (3,000,000,000) board feet of spruce in Montana which may be killed by this insect outbreak unless it is controlled; and

WHEREAS, a plan to control the epidemic and salvage the spruce has been developed by a joint Forest Service, Bureau of Entomology and Timber Industry group; and

WHEREAS, this plan has the objective in Montana of removing two hundred fifty-five million (255,000,000) board feet of infested and salvage spruce in 1953 and three hundred seventy-one million (371,000,000) board feet of such spruce in 1954 which will require the construction of three hundred eighty-six (386) miles of access roads during the two-year period; and

WHEREAS, this plan also establishes the necessity to supplement logging control by chemically treating individual trees;

NOW, THEREFORE, BE IT RESOLVED, by the Thirty-third Legislative Assembly of Montana of 1953, now in session, the Senate and House of Representatives concurring, do most earnestly request that the Congress of the United States recognize the importance of the spruce resource in Montana and initiate an adequate program to control the spruce bark beetle epidemic; and the appropriation of money for this purpose;

BE IT FURTHER RESOLVED, that copies of this memorial be transmitted by the Secretary of the State of Montana to the Senate and House of Representatives of the Congress of the United States.

Approved March 4, 1953.

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SENATE JOINT MEMORIAL NO. 11

A Joint Memorial of the Senate and House of Representatives of the State of Montana, to the Congress of the United States; the Honorable Ezra Taft Benson, Secretary of Agriculture; the Bureau of Public Roads; the Honorable James E. Murray, and the Honorable Mike Mansfield, United States Senators From Montana; the Honorable Wesley A. D'Ewart and the Honorable Lee Metcalf, Congressmen From Montana; to Change the Formula of Federal Aid on the Interstate Highway System in Montana to Seventy-five Per Cent (75%) Federal and Twenty-five Per Cent (25%) State Funds, Except That Portion Designated Forest Highway, Which Shall Continue on the Basis of One Hundred Per Cent (100%) Federal Funds.

WHEREAS, Montana is the third largest state in the nation, with an extensive network of roads and highways and at the same time is the forty-second state in population, resulting in extremely high per capita mileage of roads and highways to be constructed, reconstructed and maintained, which is placing a tremendous burden on Montana's ability to raise funds to match federal aid; and

WHEREAS, standard construction and reconstruction of that portion of Montana's highway system designated as part of the Interstate Highway System, are much more costly than standards for the balance of Montana's highway system; and

WHEREAS, there are approximately 970 miles of the Interstate Highway System requiring reconstruction at an estimated cost of Ninety Million Dollars (\$90,000,000.00); and

WHEREAS, on the present federal aid formula of fifty-seven per cent (57%) federal and forty-three per cent (43%) state, the State of Montana is unable to finance needed improvement of the balance of its state highway system; and

WHEREAS, the expeditious reconstruction of such Interstate Highway System is essential to the material economy and particularly to the strategical transportation requirements for the national defense; and

WE THEREFOR REQUEST that federal funds for reconstruction of that portion of the Montana highway system, designated Interstate Highway System, be made available on the basis of seventy-five per cent (75%) federal and twenty-five per cent (25%) state, except for that portion designated as Forest Highway, which

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shall continue to be constructed or reconstructed on the present formula of one hundred per cent (100%) federal funds;

BE IT RESOLVED that the Secretary of State for the State of Montana, be, and is hereby respectfully directed to transmit a copy of this Memorial to those listed in the title of this Memorial.

Approved March 9, 1953.

SENATE JOINT MEMORIAL NO. 12

A Joint Memorial of the Senate and House of Representatives of the State of Montana to the Congress of the United States, to United States Senators James E. Murray and Mike Mansfield and Representatives Lee Metcalf and Wesley A. D'Ewart, Requesting the Congress of the United States of America to Make Study and Make Recommendations Necessary to Revive the Gold Mining Industry of Montana.

WHEREAS, since October, 1942, most of the several hundred gold mines in Montana have been closed with practically no mining operation being done in the state, which has seriously retarded the production of gold, a condition originally brought about by shutdown order "L-208" imposed by the United States Government during World War II. When the aforesaid order was rescinded in 1945, most of these mines were unable to reopen and resume mining operations, owing to the greatly increased operating costs and the fixed price of gold, being fixed at thirty-five dollars, (\$35.00) per ounce, established and since maintained by the government of the United States, notwithstanding gold is now selling in a number of foreign countries at the price greatly in excess of that fixed by the United States; and

WHEREAS, in order that Montana gold producing mines can be reopened and placed upon a profitable operating basis, it is necessary that existing conditions now retarding the gold mine industry be materially changed;

THEREFORE BE IT RESOLVED, by the Thirty-third Legislative Assembly of the State of Montana, the Senate and House of Representatives concurring, that we specifically urge that the Congress of the United States appoint a committee consisting of members of both houses of congress and other persons experienced and qualified to study the appalling situation in the gold mining industry of the United States and to make such recommendations

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and to enact such laws in accordance therewith as are necessary to revive the said industry and place it upon a profitable and business like basis; and

BE IT FURTHER RESOLVED, that certified copies of this Memorial be submitted by the Secretary of State of the State of Montana to the Senate and House of Representatives of the Congress of the United States and to Senators James E. Murray and Mike Mansfield and Representatives Lee Metcalf and Wesley A. D'Ewart.

Approved March 3, 1953.

SENATE JOINT MEMORIAL NO. 15

A Joint Memorial of the Senate and the House of Representatives of the State of Montana to the Honorable James E. Murray and the Honorable Mike Mansfield, United States Senators From Montana; to the Honorable Wesley A. D'Ewart and the Honorable Lee Metcalf, United States Congressmen From Montana: to Mr. Ezra Taft Benson, Secretary of Agriculture and to Mr. Douglas McKay, Secretary of Interior, Memorializing the Congress of the United States and the Said Secretaries to Act Favorably on Legislation Pertaining to the Control and Elimination of Infestations of Diseases and Harmful Insects in Montana Forest Lands.

WHEREAS, there is a great infestation of diseases and insects in the national, state, and private forest lands of the State of Montana; and

WHEREAS, a great percentage of Montana lands are set aside as both national and state forest preserves; and

WHEREAS, the economy of the State of Montana as it pertains to livestock, lumbering, farming and wildlife resources is greatly endangered by said infestation; and

WHEREAS, it is in the national interests that said infestation be controlled in order that nation wide industries, lumbering, farming, livestock, and recreation interests be not adversely affected; and

WHEREAS, said infestation is spreading rapidly and will soon be outside the limits of reasonable control;

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NOW, THEREFORE, BE IT RESOLVED, by the Thirty-third Legislative Assembly of the State of Montana of 1953, now in session, the Senate and the House of Representatives concurring, do hereby most earnestly request the Congress of the United States and the Secretaries of Agriculture and Interior to initiate and act favorably on any legislation for the elimination and control of said diseases and insects;

BE IT FURTHER RESOLVED; that copies of this Memorial be transmitted by the Secretary of State of Montana to the Senate and House of Representatives of the Congress of the United States and to the Secretary of Agriculture and the Secretary of Interior.

Approved March 9, 1953.

SENATE JOINT RESOLUTION NO. 2

A Joint Resolution of the Senate of the Thirty-third Legislative Assembly of the State of Montana, the House Concurring, Commending and Endorsing the Action of the State Water Conservation Board in Filing in the Record of the Waterton-Belly Rivers Reference of January 12, 1948, Before the International Joint Commission a Statement of Position on Behalf of Montana and Further Recommending That the International Joint Commission Expedite Its Recommendation to the Governments of Canada and of the United States.

BE IT RESOLVED by the Senate of the State of Montana, the House of Representatives Concurring Therein:

WHEREAS, the governments of Canada and of the United States by the Reference of January 12, 1948, requested an advisory recommendation of the International Joint Commission respecting the development of the non-navigable International Waterton and Belly Rivers and

WHEREAS, the State Water Conservation Board, on or about September 4, 1952, filed with the International Joint Commission, a Statement of Position, in words and figures as follows:

BEFORE THE INTERNATIONAL JOINT COMMISSION

In the matter of the Reference of January 12, 1948, respecting investigation and report covering waters from the Continental Divide on the West up to and as far as the Western limit of the St. Mary's River Drainage Basin on the East. } Statement of Position

SESSION LAWS

The State of Montana, acting for this purpose through the State Water Conservation Board, files for the record in the above-entitled matter this Statement of Position:

(1) The State Water Conservation Board is a body corporate and politic with perpetual existence, and as such it is an agency of the State of Montana; it was created and it exists pursuant to the provisions of Title 89, Chapter I, Revised Codes of Montana, 1947, (Sections 89-101—89-141, R. C. M., 1947).

(2) The legislative assembly of Montana has declared that water conservation is a state purpose, in all respects, for the welfare and benefit of the people of the State of Montana and for the improvement of their prosperity and living conditions; and in the carrying out the purpose the State Water Conservation Board is performing a Governmental function; and in furtherance of such declared purpose, and in the performance of such function, the State Water Conservation Board is empowered to make such investigations as may be necessary to plan and to carry out a comprehensive state-wide program of water conservation and to participate, cooperate, and collaborate with the Government of the United States of America and with any of its agencies.

(3) The particular subject matters covered by the Reference in this cause are the waters of American origin in the watersheds of the Waterton and Belly Rivers, which rivers in their natural channels flow across the boundary between the United States of America and Canada.

(4) With respect to all such subject waters on the United States side of the boundary line, Article II of the treaty between the United States of America and Great Britain, proclaimed May 13, 1910, provides: "Each of the High Contracting Parties reserves to itself or to the several State Governments on the one side and the Dominion or Provincial Governments on the other as the case may be, subject to any treaty provisions now existing with respect thereto, the exclusive jurisdiction and control over the use and diversion, whether temporary or permanent, of all waters on its own side of the line which in their natural channels would flow across the boundary.**"

(5) There is no treaty provision now existing with respect to such subject waters, so that the reservation in Article II of the Treaty, as it applies to the waters of American origin in the watersheds of the Waterton and Belly Rivers, is absolute.

(6) By virtue of the provision in Article II of the Treaty and in accord with the governing principles and rules of American

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Law, the waters of American origin in the watersheds of the Waterton and Belly Rivers, when contemplated for use or when used for irrigation and for all other beneficial uses not within the purview of the express or implied Constitutional powers of the United States of America, are governed by Montana law.

(7) In the premises then, the State of Montana hereby asserts as against Canada and any of its Provinces, particularly the Province of Alberta, its absolute legal right under Article II of the Treaty to the exclusive jurisdiction and control over the use and diversion, whether temporary or permanent, of all of the waters of American origin in the watersheds of the Waterton and Belly Rivers and the State of Montana hereby refuses to recognize any allocations of the waters of American origin in the watersheds of the Waterton and Belly Rivers for the use and benefit of Canada, and of any of its Provinces, particularly the Province of Alberta, except there move from Canada and any of its Provinces in interest, particularly the Province of Alberta, to the United States of America and to the State of Montana a valuable consideration acceptable both to the United States of America and to the State of Montana.

WHEREFORE, THE STATE OF MONTANA, prays that this Statement of Position be accepted and filed in the record in this cause before the International Joint Commission and that the duplicate original of the same be furnished forthwith to the Canadian Section of the International Joint Commission.

AND THE STATE OF MONTANA FURTHER PRAYS that it be accorded all of the rights and privileges of a party in interest in this cause, all to the end that the legal right it has under Article II of the Treaty, and that it hereby asserts, to the waters of American origin in the watersheds of the Waterton and Belly Rivers shall be respected and protected fully.

Dated at Helena, County of Lewis and Clark, State of Montana, this 4th day of September, A. D., 1952.

/s/ John W. Bonner

John W. Bonner, Governor of the State of Montana and
Ex-Officio a Member and the Chairman of the State Water
Conservation Board

/s/ Fred E. Buck

Fred E. Buck, State Engineer of Montana and Ex-Officio
a Member of the State Water Conservation Board.

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/s/ C. H. Raymond

C. H. Raymond, Vice-Chairman and Secretary of the State Water Conservation Board.

/s/ John B. David

John B. David, Member of the State Water Conservation Board.

/s/ Max Mathews

Max Mathews, Member of the State Water Conservation Board.

Attest: (SEAL)

/s/ C. H. Raymond, Secretary

C. H. Raymond, Secretary

State Water Conservation Board.

NOW THEREFORE, BE IT RESOLVED, by the Senate of the State of Montana, the House of Representatives concurring therein, that we do hereby commend the State Water Conservation Board for its action in filing with the International Joint Commission the Statement of Position and we do further commend the State Water Conservation Board for its assertion of the absolute legal right of Montana as defined and described in the Statement of Position, particularly paragraph seven (7) thereof.

BE IT FURTHER RESOLVED, that we most respectfully urge the International Joint Commission to conclude the Waterton-Belly Rivers Reference of January 12, 1948.

BE IT FURTHER RESOLVED, that certified copies of this joint resolution be forwarded by the governor of this state to the secretary of the Canadian section of the International Joint Commission, to the secretary of the American section of the International Joint Commission and to the senators and representatives in congress from the State of Montana.

Approved February 13, 1953.

SENATE JOINT RESOLUTION NO. 4

A Joint Resolution of the Senate and House of Representatives of the State of Montana, to the Senate and House of Representatives of the United States of America, and to the Honorable

THIRTY-THIRD LEGISLATIVE ASSEMBLY

James E. Murray, and the Honorable Mike Mansfield, Senators From Montana, and to the Honorable Wesley A. D'Ewart and the Honorable Lee Metcalf, Representatives in Congress From Montana, Opposing U. S. Senate Bill 281, Which If Enacted Into Law Would Take the Power Away From the Montana Board of Railroad and Public Service Commission in Settling Intrastate Disputes When Freight, Passenger or Station Service is to be Continued or Discontinued, and Placing it Under the Jurisdiction of the Interstate Commerce Commission.

WHEREAS, the Railroad and Public Service Commission of the State of Montana was originally formed for the purpose of handling the problem of settling intrastate disputes when freight, passenger or station service is to be continued or discontinued and has continuously handled such problems; and

WHEREAS, states of the United States of America have different laws regarding the railroads within the several states; and

WHEREAS, the abolishment of this service now done by the Montana Railroad and Public Service Commission would work a hardship on the people who are employed in Montana; and

WHEREAS, problems relating to intrastate commerce have always been regulated by the various states acting in conformity to the Constitution of the United States of America and in conformity to the powers reserved to the several states under the Constitution of the United States of America; and

WHEREAS, the Railroad and Public Service Commission of the State of Montana has constant supervision over such problems and is fully acquainted with intrastate problems which occur within the State of Montana; and

WHEREAS, the Railroad and Public Service Commission of the State of Montana has continually exercised its powers in accordance with the dictates of local economy and welfare; and

WHEREAS, the Interstate Commerce Commission of the United States of America is not as favorably situated to study and decide local problems as the Railroad and Public Service Commission of the State of Montana; and

WHEREAS, traditionally and constitutionally such problems have been determined by local agencies, boards and commissions to the exclusion of federal agencies, boards and commissions; and

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WHEREAS, Senate Bill Number 281 would not serve the best interests of the people of the State of Montana, or the best interests of the several states, in that it would constitute an unwarranted interference with local conditions of economy and welfare;

NOW, THEREFORE, BE IT RESOLVED by the Senate of the State of Montana, the House of Representatives concurring, that we do hereby petition the Senate of the United States of America and request that the Senate of the United States of America act unfavorably on Senate Bill 281;

NOW, THEREFORE, BE IT FURTHER RESOLVED: That a copy of this Resolution be transmitted to the Secretary of the State of Montana, to the Senate and House of Representatives of the United States of America and to the Honorable James E. Murray and the Honorable Mike Mansfield, Senators from the State of Montana, and the Honorable Wesley A. D'Ewart and the Honorable Lee Metcalf, Congressmen from the State of Montana; and that they, the Senators and Congressmen from the State of Montana, be requested to use all honorable means within their powers to prevent the enactment of Senate Bill Number 281.

Approved February 28, 1953.

SENATE JOINT RESOLUTION NO. 5

A Joint Resolution to the Governor of the State of Montana Requesting the Appointment of a Commission to Function for a Period of Two Years Under the Direction of the State Board of Land Commissioners to make a Complete Study of the State Owned Forest Resource and Report to the Thirty-fourth Legislative Assembly a Program for the Administration of This Resource.

Be It Resolved by the Senate of the Thirty-third Legislative Assembly of the State of Montana, the House of Representatives Concurring:

WHEREAS, the State of Montana now has an estimated one and one-half billion feet of merchantable timber estimated at a value of fifteen million dollars (\$15,000,000); and

WHEREAS, the present method of managing this vast resource is inadequate because sufficient funds have not been made available so that sufficient and competent personnel can be secured

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for proper forest management and the administration of timber sales which returned in 1952 to the state endowment investment fund and the common school fund, a sum in excess of one million three hundred thousand dollars (\$1,300,000); and

WHEREAS, timber is now treated as a crop by the timber industry and should be harvested when ripe; and

WHEREAS, much of Montana's timber stands are over-ripe and are therefore extremely susceptible to disease, the attack of bugs and beetles and fires; and

WHEREAS, the whole problem of protection and management of this vast timber resource needs a modern, more scientific approach thereto;

NOW, THEREFORE, BE IT RESOLVED by the Senate of the State of Montana, the House of Representatives concurring, that the Governor of the State of Montana is hereby requested and authorized to appoint a three-man commission, one (1) of whom shall be the Dean of the Montana State School of Forestry, Montana University at Missoula, Montana, to function under the direction of the State Board of Land Commissioners to make a complete study of the state owned forest resource for the purpose of formulating a forest management plan somewhat comparable to the practices of other agencies and interests in the forestry field in the State of Montana and the northwest;

BE IT FURTHER RESOLVED, that said commission be appointed within thirty (30) days after the passage and approval of this resolution, to function for a period of two (2) years to make a report, submit its recommendations and such proposed legislative enactments as it deems necessary and advisable to the Thirty-fourth Legislative Assembly of the State of Montana on or before the tenth legislative day of said Legislative Assembly.

Approved March 4, 1953.

SESSION LAWS

CHANGES OF NAMES DECREED IN 1951-1952

Date of Judgment		Original Name	Name Decreed	Residence
Jan. 18, 1951		Robert Charles Ebner.....	Robert Charles Duval.....	Missoula
Feb. 16, 1951		Forbie Hiram Privette.....	Forbes Hiram Privette.....	Missoula
July 2, 1951		Patricia Richardson.....	Patricia Eden.....	Yellowstone County
March 23, 1951		Baby Simons.....	Rande Jack Grover.....	Lewistown
March 29, 1951		Robert Elmer Smith.....	Robert Elmer Johnson.....	Hilger
May 16, 1951		Wayne L. Wilhelm.....	Wayne Lyle Fleming.....	Lewistown
June 21, 1951		Baby Girl VanHollan.....	Charlene Elizabeth Smith.....	Lewistown
Aug. 28, 1951		Duane LeRoy Jacobson.....	Duane Charles Follmer.....	Lewistown
Oct. 24, 1951		Charles A. Knapstad.....	Charles A. Bardwell.....	Lewistown
Nov. 20, 1951		Karen Lillian Allen.....	Karen Lillian Allen Brooks.....	Lewistown
Dec. 27, 1951		Baby Johnson.....	Kyle Lynn Warner.....	Lewistown
Jan. 3, 1951		Patricia Edwards.....	Constance Joy Alberda.....	Gallatin County
Jan. 10, 1951		Thomas Edward Fisher.....	Thomas Edward Fisher.....	Gallatin County
Jan. 22, 1951		Keith Carleton Dunford.....	Keith Carleton Anderson.....	Gallatin County
Feb. 23, 1951		Baby Boy Scharf.....	Kurt Roland Menzel.....	Gallatin County
March 12, 1951		Nancy Christine Hunt.....	Nancy Christine Clark.....	Gallatin County
March 12, 1951		Deborah Hunt.....	Deborah Clark.....	Gallatin County
April 23, 1951		Baby Unverferth.....	Bruce Page Hultgren.....	Gallatin County
June 7, 1951		Marshall J. Lilly.....	Marshall J. Love.....	Gallatin County
June 7, 1951		Vivian Marie Lilly Womack.....	Vivian Marie Love.....	Gallatin County
Sept. 24, 1951		Timothy Andrew Jacobson.....	Tim R. Rupp.....	Gallatin County
July 16, 1951		Andrew Dean Rooney.....	Brian Holmes Batchelder.....	Gallatin County
July 7, 1951		Harold Leon Hoekema.....	Leon Harold Elbert.....	Gallatin County
July 9, 1951		Baby Wren.....	Nancy Jane Abbott.....	Gallatin County
July 23, 1951		Baby Boy Emmons.....	Leonard Anthony Wells.....	Gallatin County
Sept. 17, 1951		Josephine Edith Murray.....	Josephine Edith Nelson.....	Gallatin County
Sept. 17, 1951		Betty Virginia Murray.....	Betty Virginia Nelson.....	Gallatin County
Sept. 17, 1951		James Howard Murray.....	James Howard Nelson.....	Gallatin County
Sept. 17, 1951		William Earl Murray.....	William Earl Nelson.....	Gallatin County
Sept. 10, 1951		William McKinley Cottrill, Jr.....	William McKinley Holdiman.....	Gallatin County
Sept. 26, 1951		Charlie Roy Willis, Jr.....	Happy Roy Brewer.....	Gallatin County
Nov. 3, 1951		Perry Wayne Neard.....	Perry Wayne McNeese.....	Gallatin County
Dec. 31, 1951		Richard Kent Strausburg.....	Richard Kent Davis.....	Gallatin County
By Petition				
June 25, 1951		William Woods Denning.....	William Woods Martzell.....	Gallatin County
Dec. 17, 1951		Clyde Wayne Nelson.....	Nelson.....	Gallatin County
May 7, 1951		Helen Jessie Spring Brown Finnicum.....	Helen Jessie Finnicum.....	Gallatin County
Sept. 10, 1951		Ferencz Palfi.....	Frank Palfy.....	Gallatin County
May 7, 1951		Megan Jane Berg.....	Margaret Jane Berg.....	Gallatin County
By Naturalization				
Jan. 31, 1951		Fred Hayes Anderson.....	Fred James Hayes.....	Deer Lodge County
Oct. 17, 1951		Joan Lois Bauer.....	Joan Lois Moore.....	Deer Lodge County
Jan. 17, 1951		Pauline St. Germain.....	Pauline Langan.....	Montana
Feb. 7, 1951		Denman Hubert Grimm.....	Dennis H. Christian.....	Gt. Falls AFB. Mont.
May 9, 1951		Charles Sankiewicz.....	Charles Martin.....	Cascade County
July 5, 1951		Evelyn Diann Baldwin.....	Evelyn Diann Pfeifle.....	Great Falls
Aug. 22, 1951		Fred Nathaniel Johnson.....	Fred Nathaniel Walden.....	Great Falls
Oct. 25, 1951		Margaret P. Garske.....	Margaret Elizabeth Petter.....	Great Falls
Oct. 31, 1951		William Mack Rollins.....	William Mack Atkinson.....	Great Falls
Nov. 14, 1951		LaVern Norman Carlson.....	LaVern Norman Frantzich.....	Sand Coulee
Aug. 28, 1951		Irene Misiorowski.....	Irene Roay.....	St. Ignatius
May 23, 1951		Edna Annette Murray.....	Edna Annette Owen.....	Lewis & Clark County
July 27, 1951		Roberta Lorraine Nelson.....	Roberta Lorraine Carson.....	Lewis & Clark County
Nov. 13, 1951		John Harry Machnikowski.....	John Harry Mack.....	Lewis & Clark County
Nov. 13, 1951		Marie Rose Nichnikowski.....	Marie Rose Mack.....	Lewis & Clark County
Nov. 13, 1951		Dean Darrel Machnikowski.....	Dean Darrel Mack.....	Lewis & Clark County
Nov. 13, 1951		Eugene Arthur Machnikowski.....	Eugene Arthur Mack.....	Lewis & Clark County
Nov. 13, 1951		Brian John Machnikowski.....	Brian John Mack.....	Lewis & Clark County
Jan. 8, 1952		Elizabeth Wiome.....	Elizabeth Kohler.....	Outlook
Nov. 19, 1952		Otto Walfred Marsyla.....	Otto Walfred Marshall.....	Roberts
Nov. 19, 1952		Donald William Marsyla.....	Donald William Marshall.....	Roberts
Nov. 19, 1952		Raymond Eugene Marsyla.....	Raymond Eugene Marshall.....	Roberts
Nov. 19, 1952		Barbara Laverne Marsyla.....	Barbara Laverne Marshall.....	Roberts
Nov. 19, 1952		Elma Marsyla.....	Elma Marshall.....	Roberts
March 26, 1952		William Forrest Schnee, Jr.....	William Forrest Anderson.....	Great Falls
July 23, 1952		Carl John Enger.....	James Norman Hames.....	Great Falls

THIRTY-THIRD LEGISLATIVE ASSEMBLY

CHANGES OF NAMES DECREED IN 1951-1952

Date of Judgment	Original Name	Name Decreed	Residence
Feb. 18, 1952	Duane Albert Clark.....	Duane Albert Allen.....	(Not given)
March 7, 1952	Terril Lorraine Grant.....	Terril Lorraine Straight.....	Yellowstone County
May 23, 1952	Helen McGrath Shellabarger.....	Helen Hammond McGrath.....	Yellowstone County
June 26, 1952	Bethlehem German Congregational Church.....	Bethlehem Congregational Church.....	Yellowstone County
June 30, 1952	William E. Shay, Jr.....	William E. Mike Shay.....	Yellowstone County
Sept. 8, 1952	Herman Linsey Stafford, Jr.....	Jack Elvia Morton.....	Yellowstone County
Sept. 15, 1952	James Elton Swartz.....	James Elton Coakley.....	Yellowstone County
Oct. 3, 1952	Ronald Melville Sawyer.....	George Herbert Prouty.....	Yellowstone County
Oct. 17, 1952	Rudolph Cvelbar.....	Rudolph Celbar.....	Yellowstone County
Oct. 17, 1952	Eleanore B. Cvelbar.....	Eleanore B. Celbar.....	Yellowstone County
Oct. 17, 1952	Charles Michael Cvelbar.....	Charles Michael Celbar.....	Yellowstone County
Nov. 12, 1952	William Carl Figgins Carlisle.....	William Carl Figgins.....	Livingston
Nov. 12, 1952	Robert Harrison Figgins.....	Robert Harrison Figgins.....	Livingston
March 8, 1952	Kenneth Daniel Arnold.....	Kenneth Daniel Carr.....	Gardiner
Dec. 29, 1952	Henry Lehrkind Stump.....	Theodore Henry Stump.....	Livingston
Feb. 29, 1952	Walter Block Hiller.....	Walter B. Hiller.....	Helena
April 26, 1952	Gospel Temple.....	"The Little Church".....	Helena
Nov. 19, 1952	John Melvin Fergerson.....	John Melvin Scicek.....	Ravalli County
June 14, 1952	Joan Rose Kunda.....	Joan Rose Tennant.....	Miles City
Jan. 4, 1952	Oscar Julius Newton.....	Oscar Julius Bakke.....	Missoula
Jan. 4, 1952	Philip Alan Newton.....	Philip Alan Bakke.....	Missoula
Sept. 27, 1952	Gustaf Frederick Larson.....	Frederick Gustaf Larson.....	Missoula
Oct. 23, 1952	Anthony C. Gianoulas.....	Anthony C. Ginalias.....	Missoula
Oct. 21, 1952	Robert Raymond Morin.....	Robert Tietjen Foremen.....	Missoula
Jan. 3, 1952	Baby Boy Bruno.....	Thomas Raymond Dahl.....	Gallatin County
March 10, 1952	Charles Michael Bryson.....	Charles Michael Simpson.....	Gallatin County
March 21, 1952	Baby Boy Miller.....	Jonathan Vincent Egbert.....	Gallatin County
April 2, 1952	Donald Wayne Harrison.....	Donald Wayne Lutes.....	Gallatin County
May 12, 1952	Steven Grant Armstrong.....	Steven Grant Knadler.....	Gallatin County
Aug. 4, 1952	Melvin K. Beattie.....	Melvin K. Johnston.....	Gallatin County
Sept. 6, 1952	Edie McKenzie.....	Edie June LaPalme.....	Gallatin County
Sept. 13, 1952	Joyce Lee Jackman.....	Eileen Janice Nesja.....	Gallatin County
Sept. 13, 1952	Carlynn Ealine Jackman.....	Carla Ruth Nesja.....	Gallatin County
Oct. 4, 1952	Meredith Ann Talman.....	Meredith Ann Tallman.....	Gallatin County
Sept. 22, 1952	Cary Thomas Hopkins.....	Cary Thomas Breeden.....	Gallatin County
Oct. 14, 1952	Michealene Fay Phillips.....	Michealene Fay Green.....	Gallatin County
Oct. 20, 1952	Jimmy Lee Evans.....	Jimmy Lee Saltzman.....	Gallatin County
Oct. 20, 1952	Lanie Viann Evans.....	Janie Viann Saltzman.....	Gallatin County
Oct. 20, 1952	Lynndale Preston Evans.....	Lynndale Preston Saltzman.....	Gallatin County
Dec. 1, 1952	Baby Boy Reikofski.....	Stephen Johan Asleson.....	Gallatin County
Jan. 9, 1952	Gary William Cerovski.....	Gary William Killham.....	Lewistown
Feb. 2, 1952	Helen Smith Loeffelbein.....	Same.....	Lewistown
July 1, 1952	Martha Drotar.....	Martha Damrose.....	Lewistown
July 10, 1952	Carol Jean Olson.....	Carol Jean Kilgore.....	Lewistown
Sept. 25, 1952	Baby Boy Figg.....	Jonathan Duane Heller.....	Winifred
Oct. 7, 1952	Baby Boy Fauth.....	Mark Vernet Wright.....	Moore
Oct. 21, 1952	Roxana Darlene Powers.....	Roxana Darlene McBride.....	Lewistown
Oct. 22, 1952	Herbert Duane Rhoades.....	Duane Herbert Cape.....	Coffee Creek
Nov. 25, 1952	Sarah Jane Gullicksen.....	Sarah Jane Shipman.....	Brooks
Dec. 16, 1952	Lewis Boimier.....	Allen Seaforth.....	Lewistown
		Mackenzie II.....	Lewistown

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